

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 LEAPERS, INC., a Michigan
5 corporation,
6 Plaintiff,
7 -vs- No. 2:14-CV-12290-RHC-DRG
8 SMTS, LLC, d/b/a TUFF ZONE, a
9 Michigan corporation; TRARMS, INC.,
10 a California corporation; and SUN
11 OPTICS USA, a Texas corporation,
12 Defendants.
13 and
14 SMTS, LLC, d/b/a TUFF ZONE, a Michigan
15 corporation, TRARMS, INC., a California
16 corporation, and CHUANWEN SHI, a citizen
17 of China,
18 Counter-Plaintiffs,
19 -vs-
20 LEAPERS, INC., a Michigan corporation,
21 and CONTINENTAL INCORPORATED, INC.,
22 d/b/a CONTINENTAL ENTERPRISES, an Indiana
23 corporation,
24 Counter-Defendants.
25

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DEPONENT: DAVID DING
DATE: Monday, March 30, 2015
TIME: 11:00 a.m.
LOCATION: HONGIMAN, MILLER, SCHWARTZ & COHN, LLP
39400 Woodward Avenue, Suite 101
Bloomfield Hills, Michigan
REPORTER: Karen Fortna, CRR/RMR/RPR/CSR-5067
JOB NO: 239113

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1 APPEARANCES:

2 HONIGMAN, MILLER, SCHWARTZ & COHN, LLP

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3 Mr. Brian D. Wassom

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6 Appearing on behalf of

Plaintiff/Counter-Defendant

7 FISHMAN, STEWART, YAMAQUCHI, PLLC

8 By: Mr. Douglas P. LaLone

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9 Bloomfield Hills, Michigan 48304

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Appearing on behalf of

11 Defendant/Counter-Plaintiff TRARMS, Tuff Zone

12 BRACKET & ELLIS, PC

By: Mr. Joseph F. Cleveland, Jr.

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14 817.339.2454

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15 Appearing on behalf of

Defendant/Counter-Plaintiff Sun Optics

16 ALSO PRESENT: Ms. Christina Chyn, interpreter

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1 Q. You're sure about that?

2 A. Yes.

3 Q. Okay. So what are these CAD drawings of, this
4 Exhibit 121?

5 A. These are a collection of scope drawings.

6 Q. Scopes that your company sells?

7 A. Yes.

8 Q. Okay. Let me ask you a question. I understand in
9 this case we've learned that some of the scopes
10 with scallops Leapers no longer sells, is that
11 correct, they've kind of phased the models out and
12 added some models in?

13 A. And also there's work in progress. You have
14 engineer who design things, then they have work in
15 progress, and then they change configurations.

16 Q. Like shapes, you mean?

17 A. No, even the model.

18 Q. Okay.

19 A. And that's all possible.

20 Q. Okay. Okay. So these drawings on Exhibit 121 show
21 the change of the design as time progressed?

22 A. It shows a collection of drawings.

23 Q. Has the trade dress changed also over time?

24 A. Well, we have to look at detail if there is any
25 discrepancies. There's no -- no way to validate

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1 A. Yes, based on the subsequent pages' format, if we
2 follow the format in subsequent pages.

3 Q. Okay. All right. So the earliest date in
4 Exhibit 122 is March 10, 2004; is that correct?

5 A. Yes.

6 Q. Okay. And just looking backwards, if I could have
7 you look at Exhibit 121, the earliest date on
8 Exhibit 121 is October 22, 2009; is that correct?
9 Found on Leapers Bates No. 14672.

10 A. Yes.

11 Q. Okay. And then just to recap, on Exhibit 120,
12 earliest date appears to be August 6, 2009, which
13 is found on LEAPERS14719; is that correct, sir?

14 A. Yes.

15 Q. And looking at Exhibit 119, the earliest date we
16 found there was August 30, 2009; is that correct,
17 sir?

18 A. August 30, yes.

19 Q. And then I believe we said on Exhibit 118, there
20 were no dates?

21 A. That's correct.

22 Q. Okay. Now I'll represent to you, to the best of my
23 knowledge, these documents we've just gone through,
24 118, 119, 120, 121 and 122, are the drawings your
25 company has provided to us in this case?

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1 MR. LALONE: Let's take a short break.

2 (Whereupon a break was taken

3 from 1:43 p.m. to 1:51 p.m.)

4 BY MR. LALONE:

5 Q. We took a short break and I just want to follow up
6 with respect to Exhibits 118, 119, 120 and 121 and
7 122, which were the drawings we just went through.

8 A. Yes.

9 Q. I want to confirm that your name does not appear on
10 any of those drawings; is that correct?

11 A. My name is not there, but my influence is
12 everywhere.

13 Q. Okay. In fact, Leapers' name is not on the CAD
14 drawings; is that correct?

15 A. Jin Kai Jing is an extension of Leapers.

16 Q. But I'm talking about the name itself, Leapers,
17 Inc., the company at issue in this lawsuit. Its
18 name is not on those drawings; is that correct?

19 A. That's correct.

20 Q. Okay. Could I point to you something in
21 Exhibit 122?

22 A. Yes.

23 Q. If you recall when we went through that, I asked
24 you to read for me that sentence there at the
25 bottom of the first page of Exhibit 122.

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1 we'll treat it as AEO. I'll take an answer.

2 THE WITNESS: We have over 1,500 BtoB
3 customers.

4 BY MR. LALONE:

5 Q. Business-to-business customers?

6 A. Yes.

7 Q. What does that mean, business-to-business
8 customers?

9 A. That we only do wholesale, we don't do retail.

10 Q. You couldn't sell to brick and mortar; is that
11 correct?

12 A. We don't sell to retail end customers.

13 Q. Okay. All right. Of those 1,500 customers that
14 you have, how many are in the optics space?

15 MR. LOCKHART: Foundation.

16 THE WITNESS: I have to look it up, but
17 it's quite a percentage.

18 BY MR. LALONE:

19 Q. Over half?

20 A. It's possible.

21 Q. As you sit here today, can you give us a percentage
22 of how many of your customers -- of your customer
23 base buy optics products?

24 MR. LOCKHART: Foundation.

25 THE WITNESS: It's substantial.

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1 order.

2 A. Yes.

3 Q. And this purchase order is signed by you and it's
4 dated February 6, 2005, correct?

5 A. 2005, February 6, right.

6 Q. Okay. And it's between Leapers and Wuyang Sporting
7 Goods, Limited, correct?

8 A. Yes.

9 Q. You understand that's the company Mr. Shi owns?

10 A. Shi did not own the company.

11 Q. Did you understand Wuyang was the company that was
12 supplying you scopes in 2005?

13 A. Yes.

14 Q. Okay. The same scopes that are at issue in this
15 lawsuit, correct?

16 A. Same scope -- I would not categorize as same scope.
17 It's evolution, remember.

18 Q. Okay. I'm sorry, let me rephrase. I apologize.

19 A. Okay. No problem.

20 Q. So this purchase order represents scopes that you
21 were purchasing from Wuyang back in 2005; is that
22 correct?

23 A. Yes.

24 Q. Okay. And did those scopes have the trade dress on
25 them that's at issue in this lawsuit today?

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1 MR. LOCKHART: Foundation.

2 THE WITNESS: It has some basic elements
3 of our scopes.

4 BY MR. LALONE:

5 Q. Is it the same elements that were identified in the
6 stipulation, Exhibit 10 that we looked at this
7 morning, or is it different elements?

8 While your counsel is looking for the
9 trade dress elements there, Exhibit 10, can you
10 identify for me Exhibit 10 there, which is the list
11 of the three stipulated trade dress elements are
12 those --

13 A. Yeah, it is a good portion of that.

14 Q. What's missing?

15 A. I have to go back to look at the scope at that
16 time. As you can see, at this time, the PO shows
17 much less volume. That means they haven't got up
18 to that level yet. So the PO is the quantity of
19 500, less than 1,000, due to the competency, their
20 capacity.

21 Q. Okay.

22 A. Their ability.

23 Q. I have to show you what's been marked as
24 Exhibit No. -- before I do that, on the top of
25 page -- Exhibit 132, under, "Description," the

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1 BY MR. LALONE:

2 Q. Can you recall the earliest date when Wuyang
3 provided or sold scopes to you that had the trade
4 dress features embodied therein?

5 MR. LOCKHART: Foundation.

6 THE WITNESS: I believe I've answered
7 earlier.

8 BY MR. LALONE:

9 Q. What was that date, please?

10 A. By the end of 2006 is close. It was close.

11 Q. All right. But you have in front of you an invoice
12 dated March 2005, right? That's Exhibit 134?

13 A. That's PO.

14 Q. Yeah, I'm sorry, a PO in front of you dated
15 March 2005.

16 A. Right, yes.

17 Q. Is it your testimony that this purchase order is
18 not for scopes that have the trade dress on it?

19 A. - I have to verify that.

20 Q. Do you have an understanding either way whether
21 it's likely to be --

22 MR. LOCKHART: Asked and answered.

23 MR. LALONE: -- products having the
24 scopes with scallops or not?

25 MR. LOCKHART: Asked and answered.

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1 Q. Well, your trademark application says roughly 2003
2 your company was selling the trade dress product in
3 the United States, right?

4 A. Exactly.

5 Q. Who was supplying you those products?

6 A. Jin Kai Jing. Wuyang has no role when we started
7 trade dress. I already said that from very
8 beginning.

9 Q. You didn't produce any drawings today from Jin Kai
10 Jing that go back to 2002, did you?

11 MR. WASSOM: Mischaracterizes the
12 testimony.

13 THE WITNESS: I was the person that
14 motivated and come up with the idea working with
15 the engineering team to have the trade dress and it
16 is substantial with worldwide efforts pushing this
17 trade dress and mobilize all my customers with
18 substantial advertising.

19 BY MR. LALONE:

20 Q. How much did you spend on advertising in the
21 scallops on the scope?

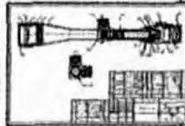
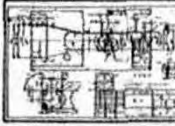
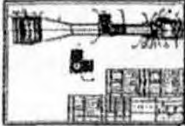
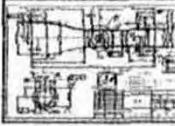
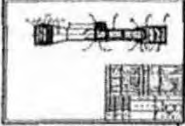
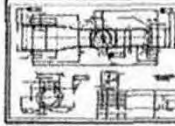
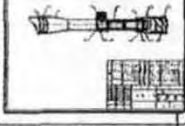
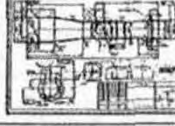
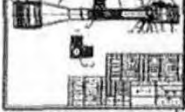
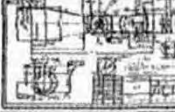
22 A. Well, we have to look it up, but in the early days
23 it's that personal connection, persuasion, champion
24 to motivate our customers.

25 Q. Well, you don't sell directly to the end hunter,

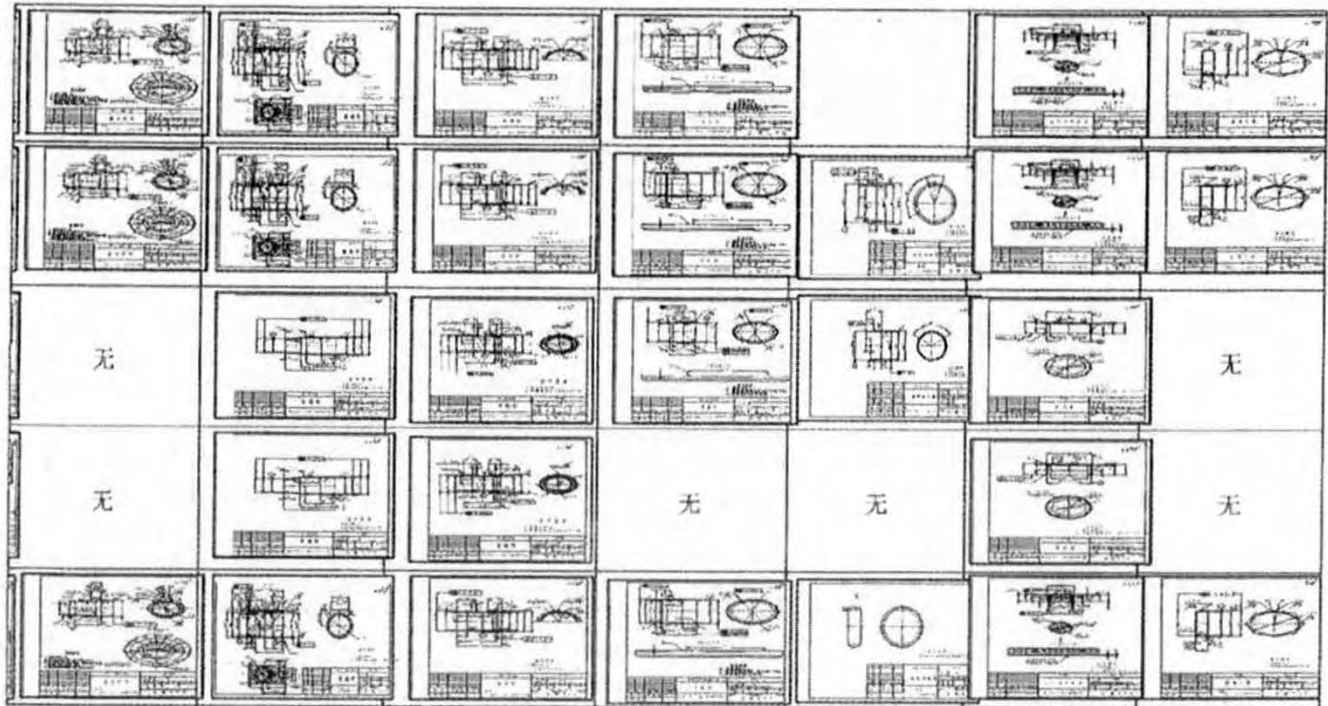
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SCP3-UGM104AOIEW	UTG 10X44 30mm Compact Scope, AO, 36-color Glass Mil-dot		
SCP3-UM416AOIEW	UTG 4-16X44 30mm Compact Scope, AO, 36-color Mil-dot, Rings		
SCP-M392AOIEWQ	UTG 3-9X32 1" BugBuster Scope, AO, 36-color Mil-dot, Rings		
SCP-M392AOLWQ	UTG 3-9X32 1" BugBuster Scope, AO, RGB Mil-dot, QD Rings		
SCP-M432AOIEWQ	UTG 4X32 1" BugBuster Scope, AO, 36-color Mil-dot, QD Rings		
SCP-M432IEWQ	UTG 4X32 1" Compact CQB Scope, 36-color Mil-dot, QD Rings		
SCP-M632AOIEWQ	UTG 6X32 1" BugBuster Scope, AO, 36-color Mil-dot, QD Rings		
SCP-U312AOIEW	UTG 3-12X40 1" Hunter Scope, AO, 36-color Mil-dot, QD Rings		
SCP-U392AODT2	UTG 3-9X32 1" Hunter Scope, AO, TF2+, Mil-dot, Airgun Rings		
SCP-U394AOIED	UTG 3-9X40 1" Hunter Scope, AO, 36-color Mil-dot, Airgun Rings		
SCP-U394AOIEW	UTG 3-9X40 1" Hunter Scope, AO, 36-color Mil-dot, QD Rings		
SCP-U394FDT2	UTG 3-9X40 1" TF2+ Scope, Mil-dot, Airgun Rings, Adj@35Yds		
SCP-U394FWT2	UTG 3-9X40 1" TF2+ Scope, Mil-dot, QD Rings, Adj@100Yds		
SCP-U395AOIEW	UTG 3-9X50 1" Hunter Scope, AO, 36-color Mil-dot, QD Rings		

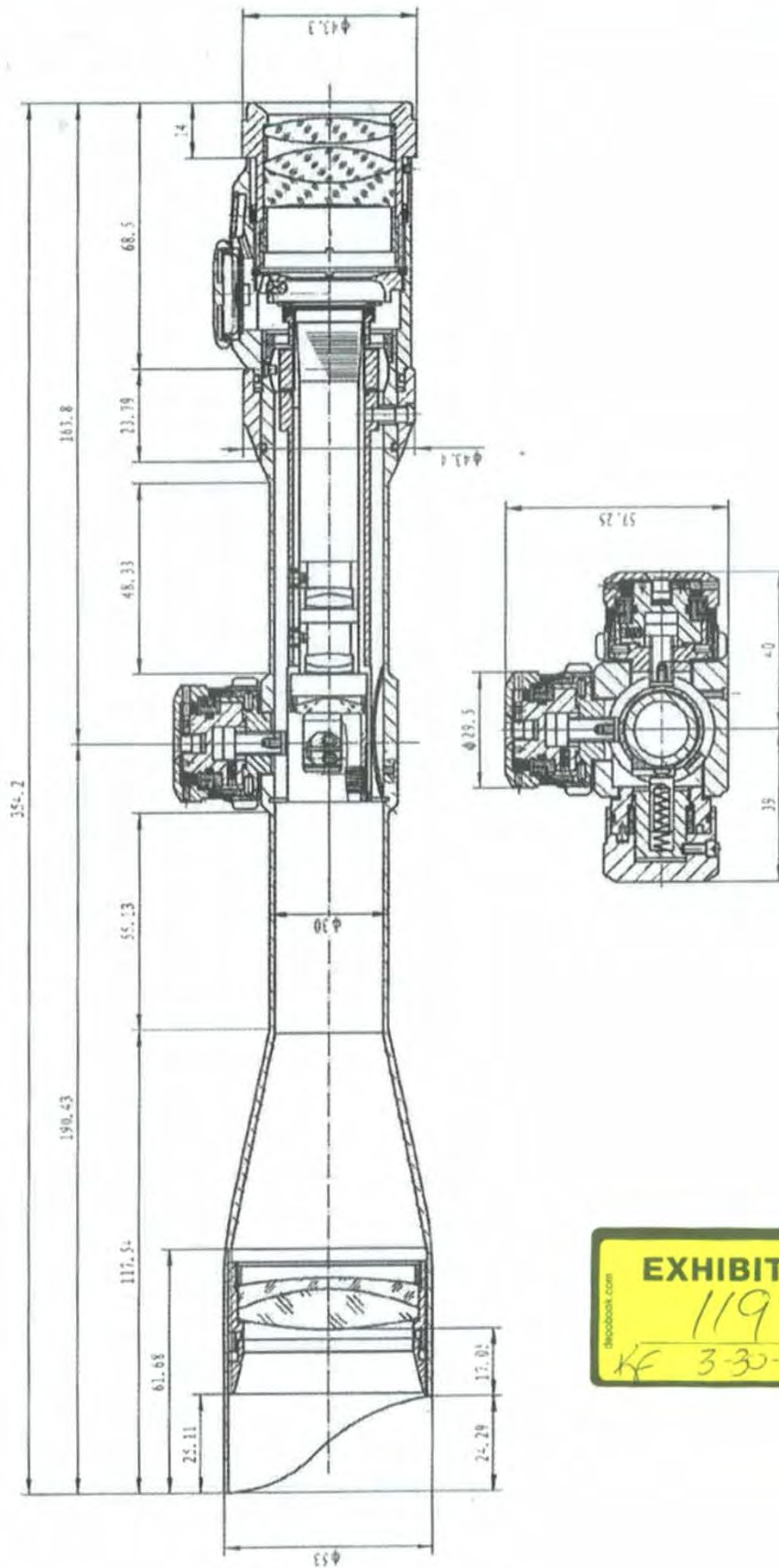


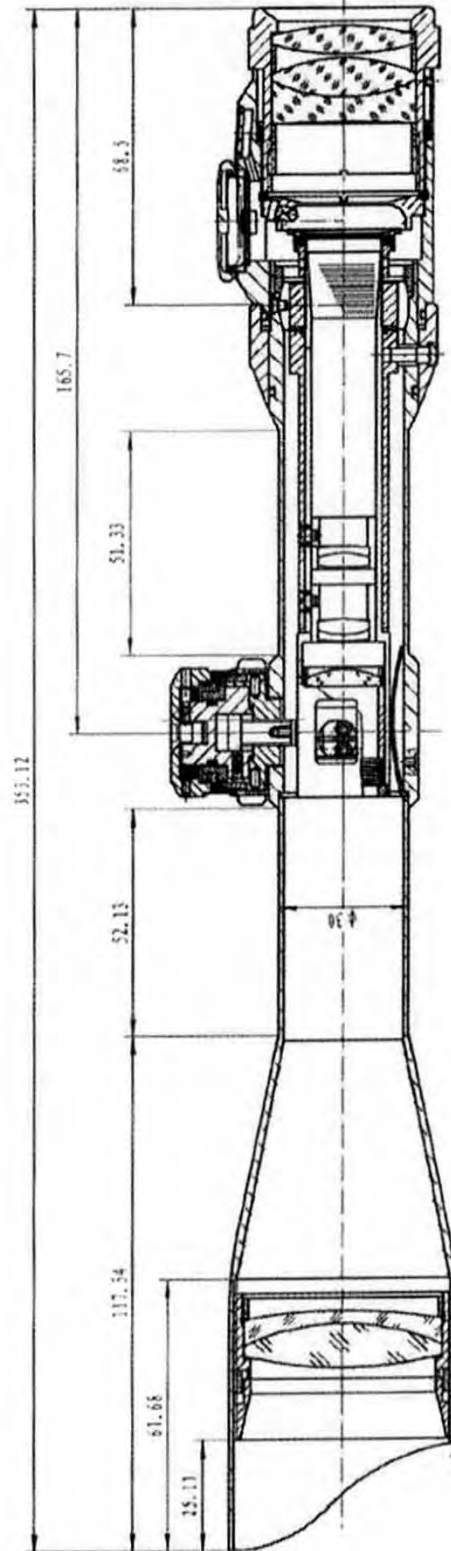
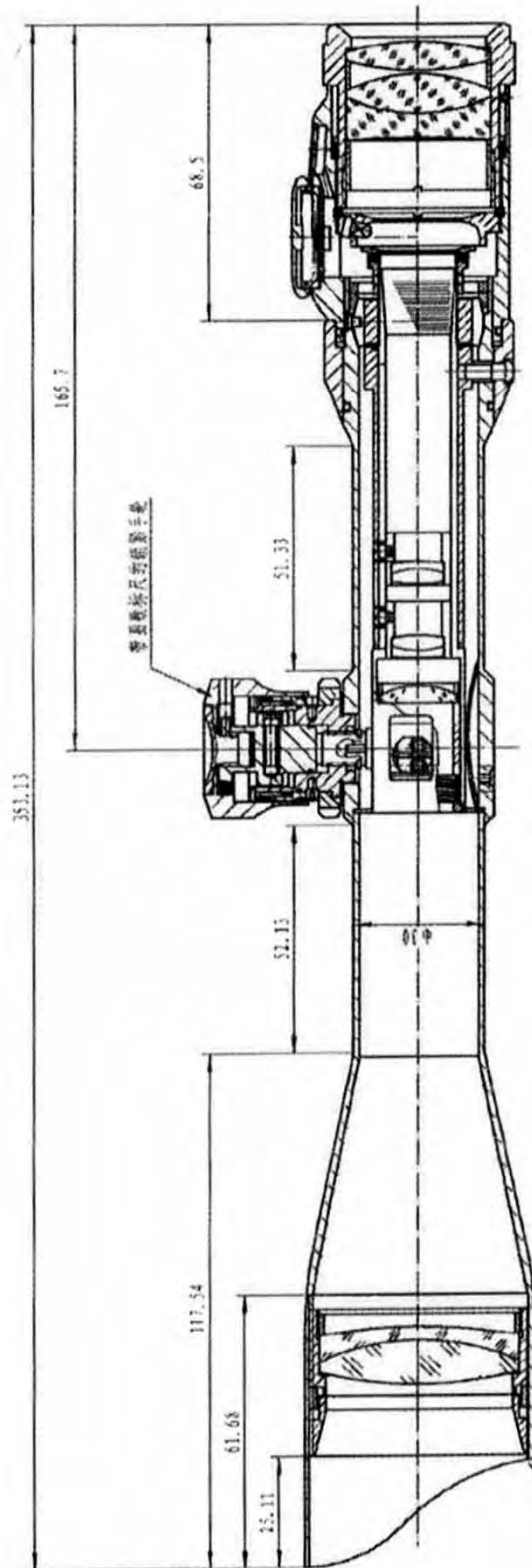
SCP-U4164AOIEW	UTG 4-16X40 1" Hunter Scope, AO, 36-color Mil-dot, QD Rings		
SCP-U4165AOIEW	UTG 4-16X50 1" Hunter Scope, AO, 36-color Mil-dot, QD Rings		
SCP-U432AOD	UTG 4X32 1" Hunter Scope, AO, Mil-dot, Airgun Rings		
SCP-U432AOW	UTG 4X32 1" Hunter Scope, AO, Mil-dot, QD Rings		
SCP-U432FD	UTG 4X32 1" Hunter Scope, Mil-dot, Airgun Rings, Adj@35 Yds		
SCP-U432FW	UTG 4X32 1" Hunter Scope, Mil-dot, QD Rings, Adj@100 Yds		
SCP-U6245AOIEW	UTG 6-24X50 1" Hunter Scope, AO, 36-color Mil-dot, QD Rings		

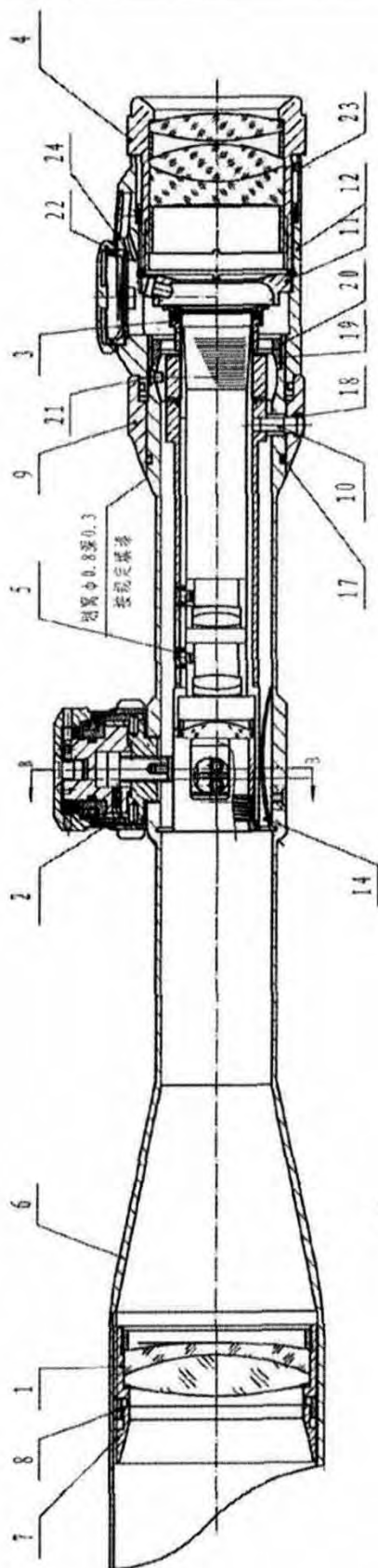
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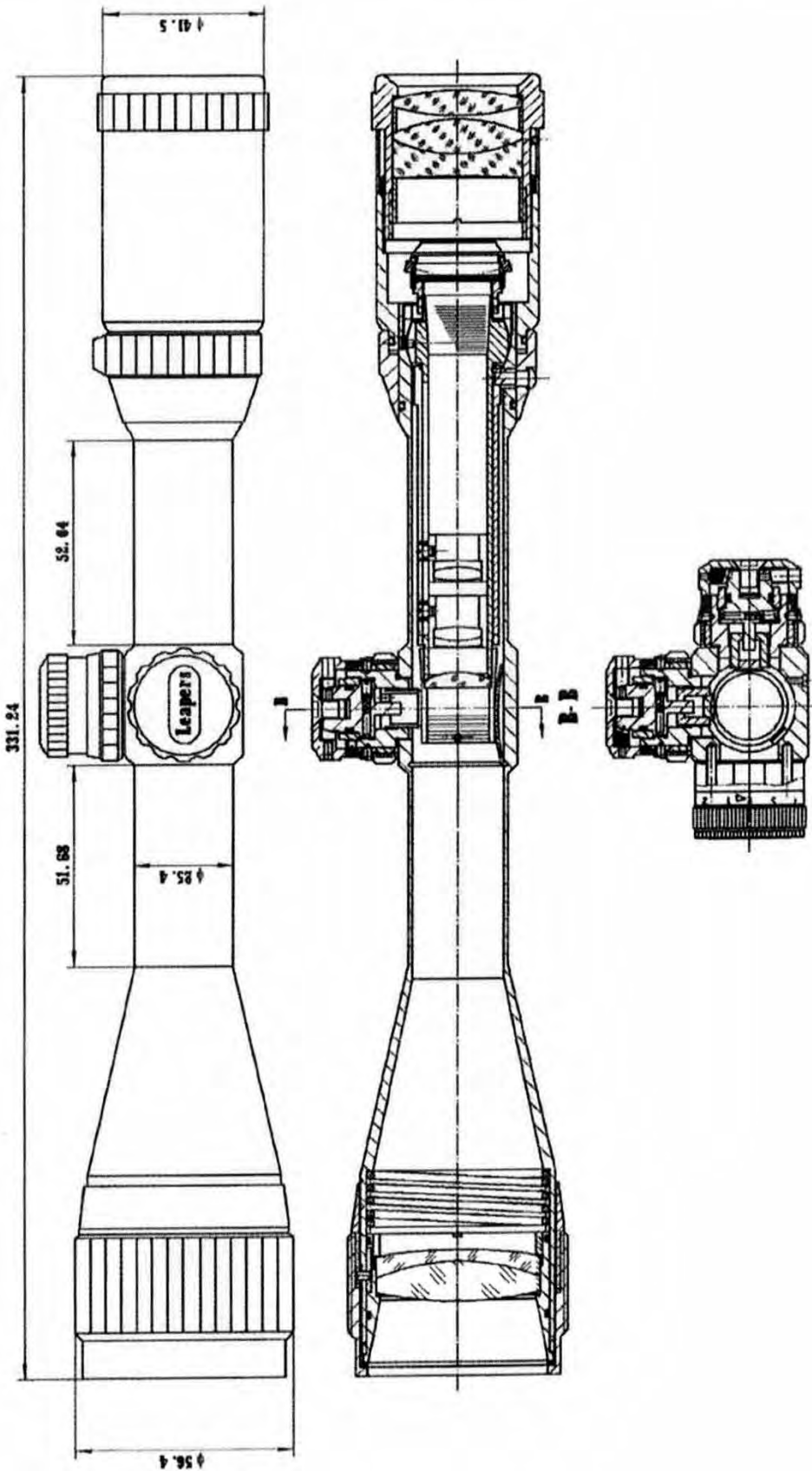


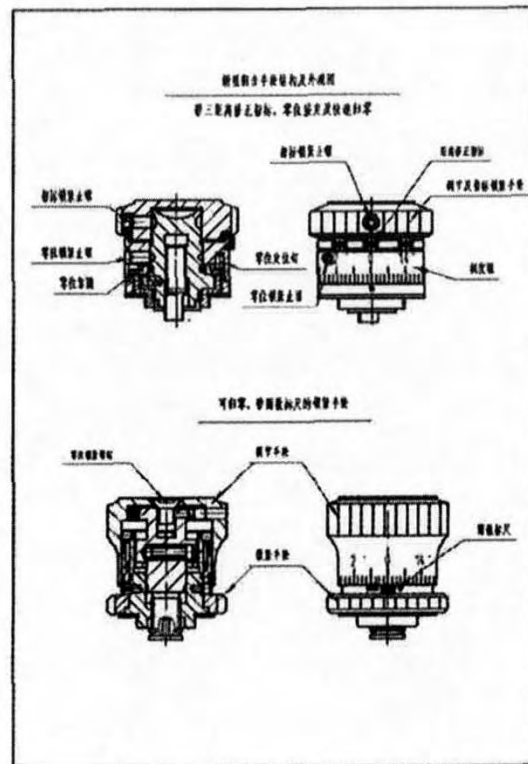




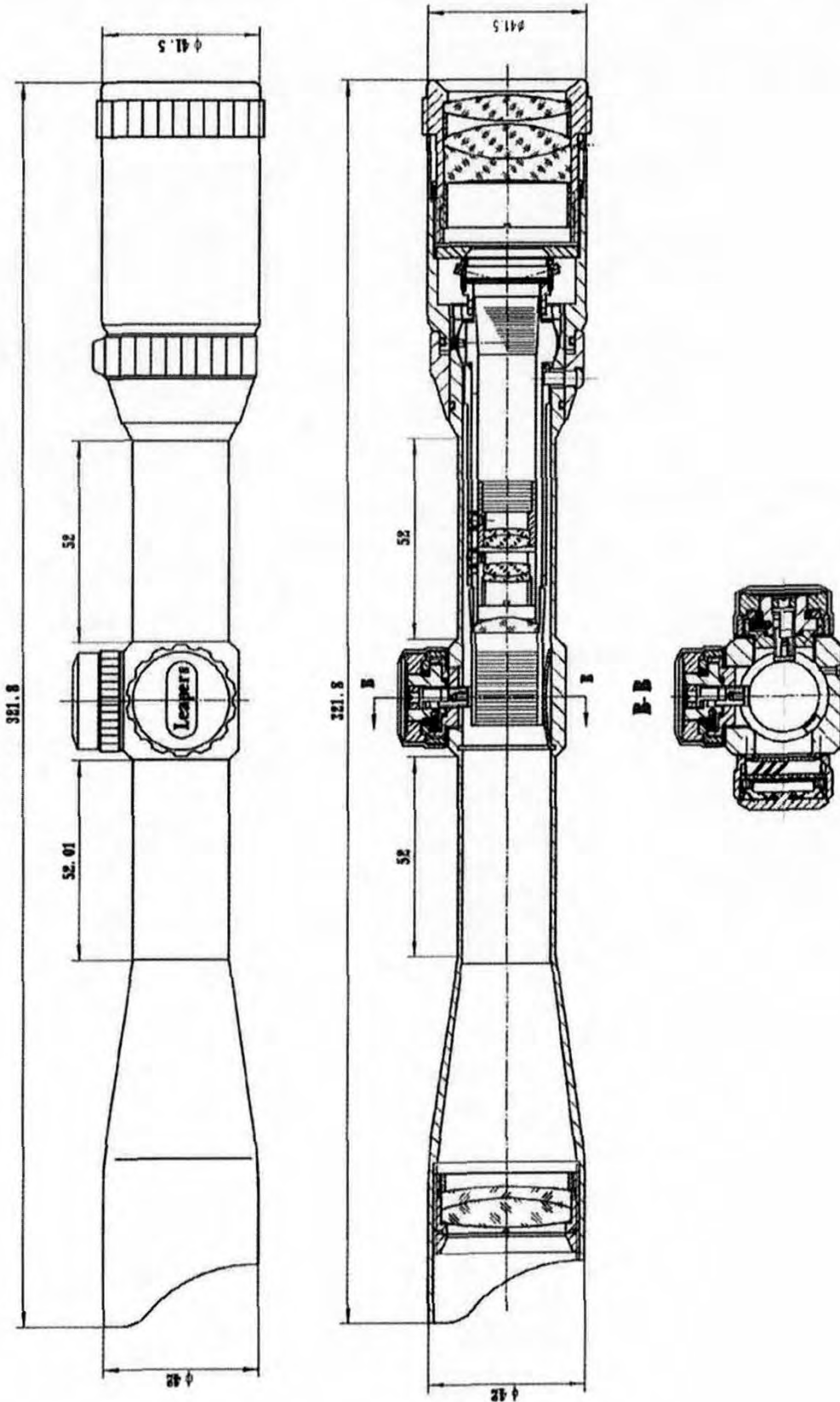
序号	代号	名称	数量	序号	代号	名称	数量
24	外Φ38X2	0形密封圈	1	12	0-12	压簧	1
23	GB73-75	螺母M2x2	1	11	0-17	衬套	1
22	PG605	套孔组	1	10	0-11	端盖螺母	1
21	0-16	定位销	1	9	0-10	交管手轮	1
20	0-15	后孔盖	1	8	0-3	平口压圈	1
19	0-14	后孔盖	1	7	0-2	衬套	1
18	外Φ42X1	0形密封圈	1	6	0-1	螺母	1
17	外Φ30X1.5	0形密封圈	2	5	0-05	快换连接器	1
16	0-9	主密封套	1	4	0-03	衬套	1
15	0-8	衬套	1	3	0-04	分装丝线	1
14	0-4	衬套	1	2	TIA01	两节手轮组	2
13	TS01	端盖组	1	1	0-01	增套组	1
03-10X44A							
装配图							
比例 1:1							
S							
1:1							

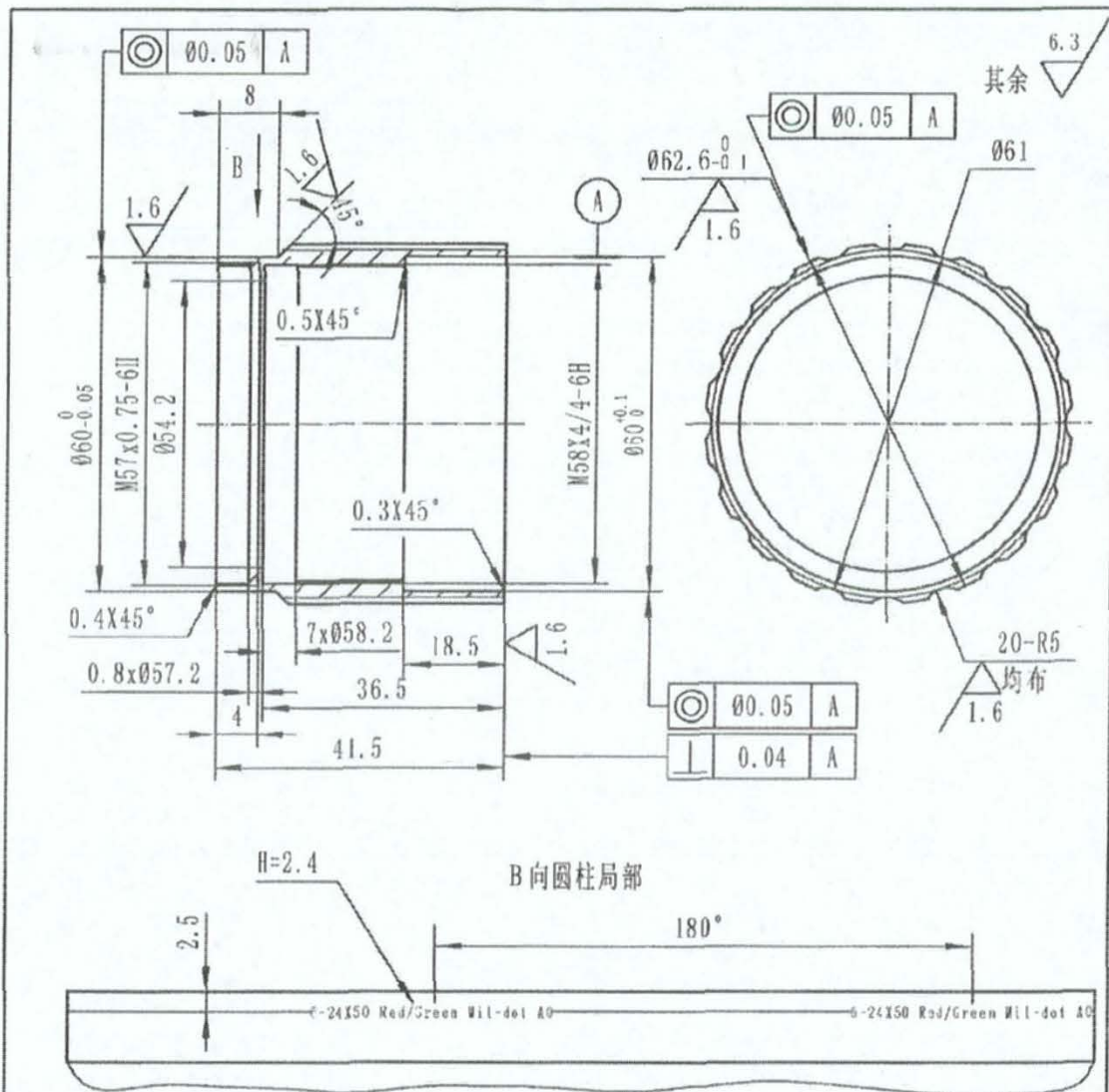
U3-12x40A





U3-9x32A (工厂成本105元)





技术要求

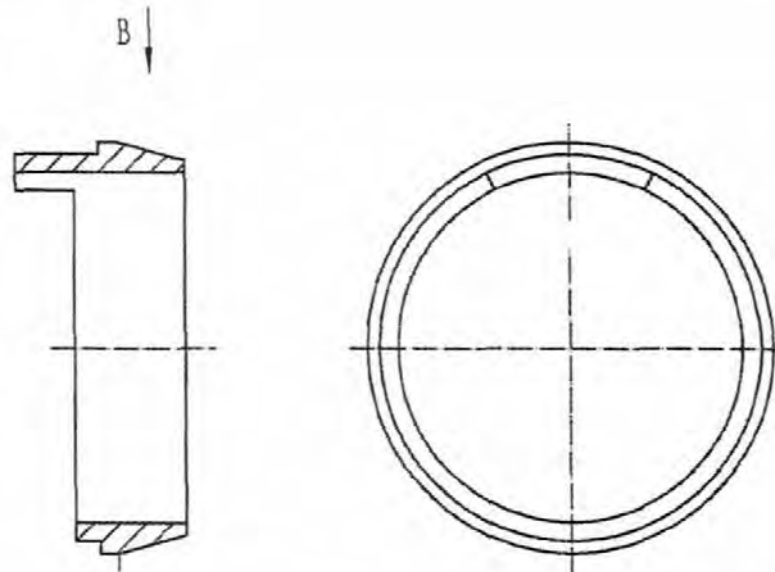
1. 倒角到R0.2;
2. 黑色阳极氧化W WJ463-75;
3. 按图示B向要求刻字。

				U6-24x50A	0-5			
				调距轮	所 属 装 配 号	0		
					图 样 标 记	重 量	比 例	
					S			1: 1
标记	处数	签 字	日期		共 1 张			
设 计		郑立生		7/07/11	铝管 LD 31 cs GB6892-86		江 苏 U T G	
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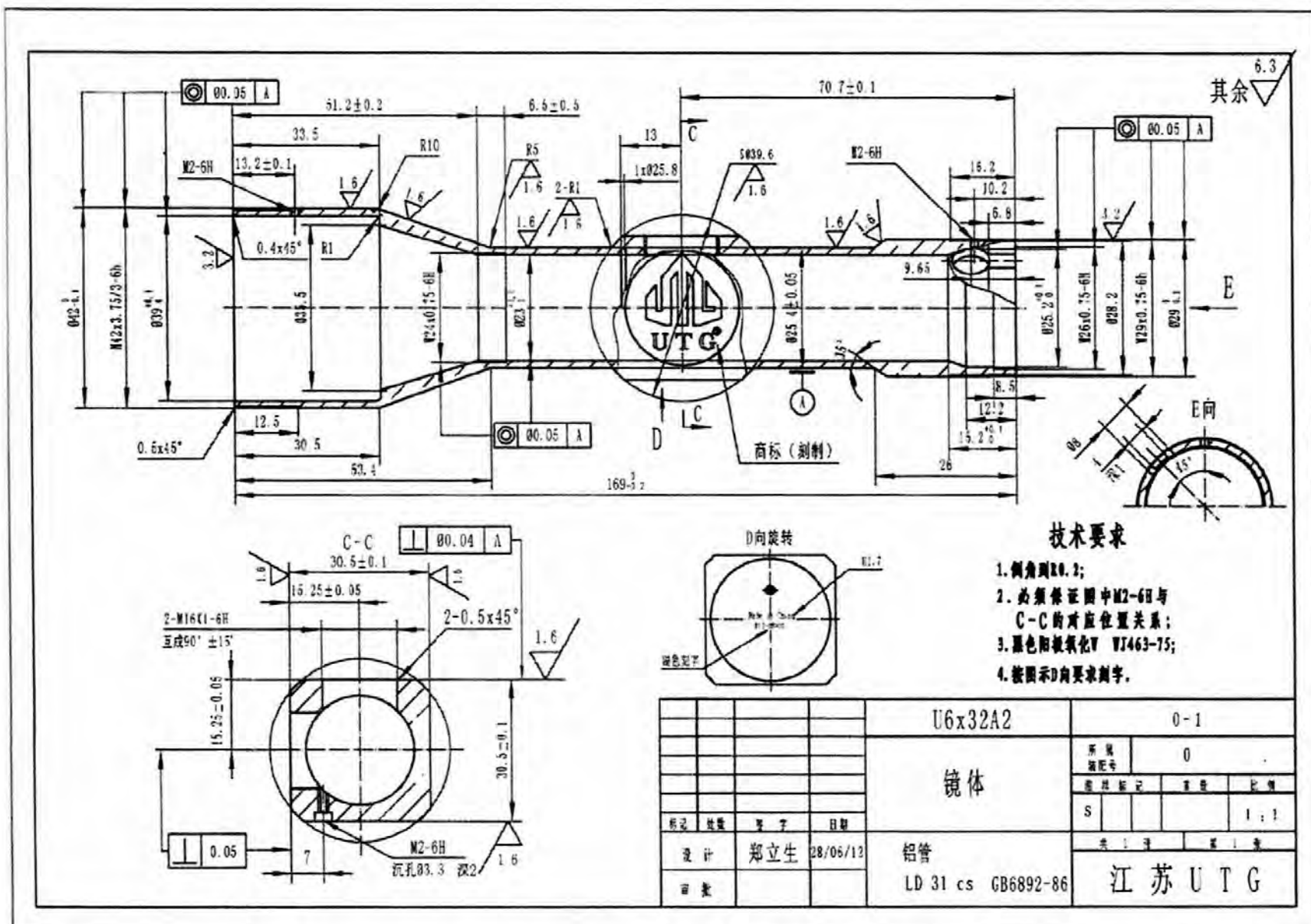


技术要求

1. 用0-6/U3-9x50A表面处理后的白件按图刻字。

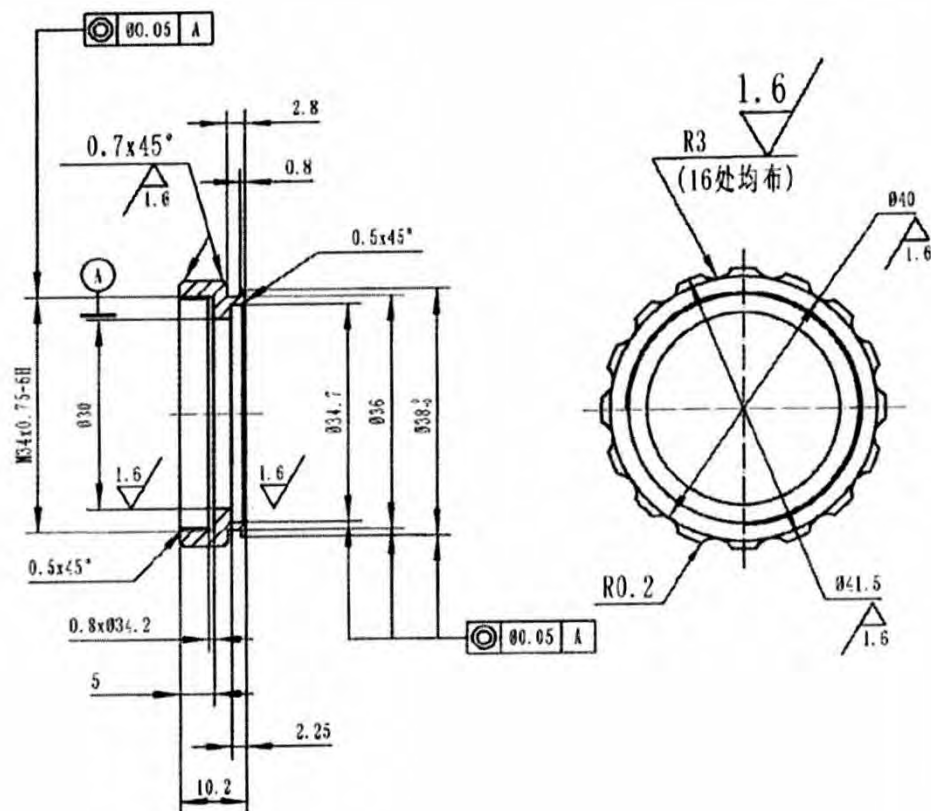
				U6-24x50A	0-6		
				距离标志圈	所属 装配号	0	
					图样标记	重量	比例
					S		1:1
标记	数量	签字	日期	铝管 LD 31 cs GB6892-86	共 2 张		第 1 张
设计		郑立生	7/07/11		江苏 U T G		
审批							





Confidential Information Subject to Protective Order

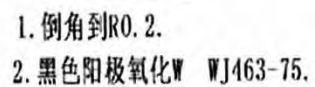
LEAPERS014711

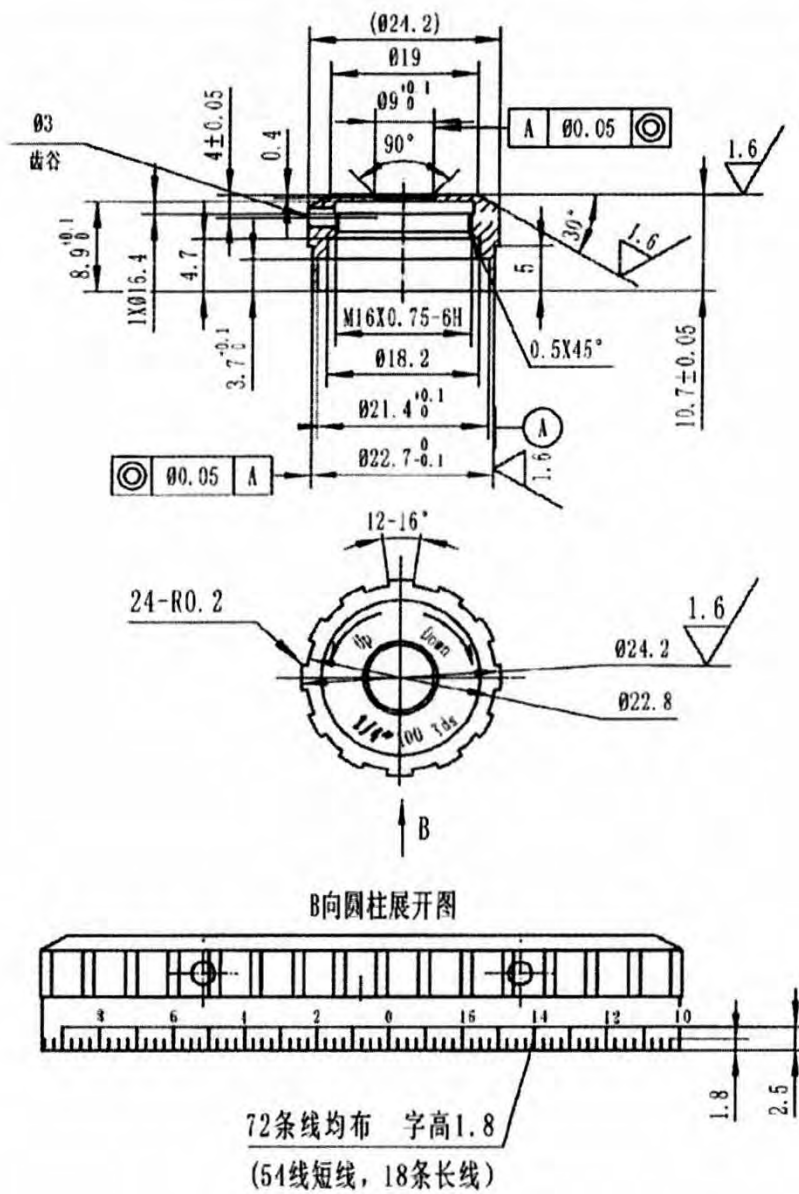


技术要求

1. 倒角到R0.2
2. 黑色阳极氧化W WJ463-75

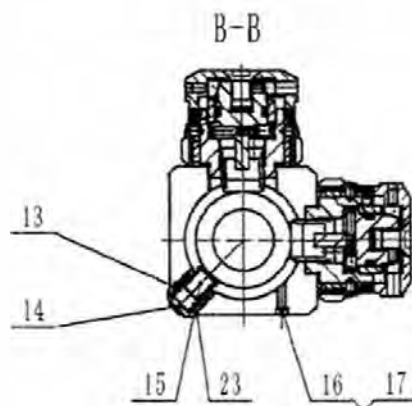
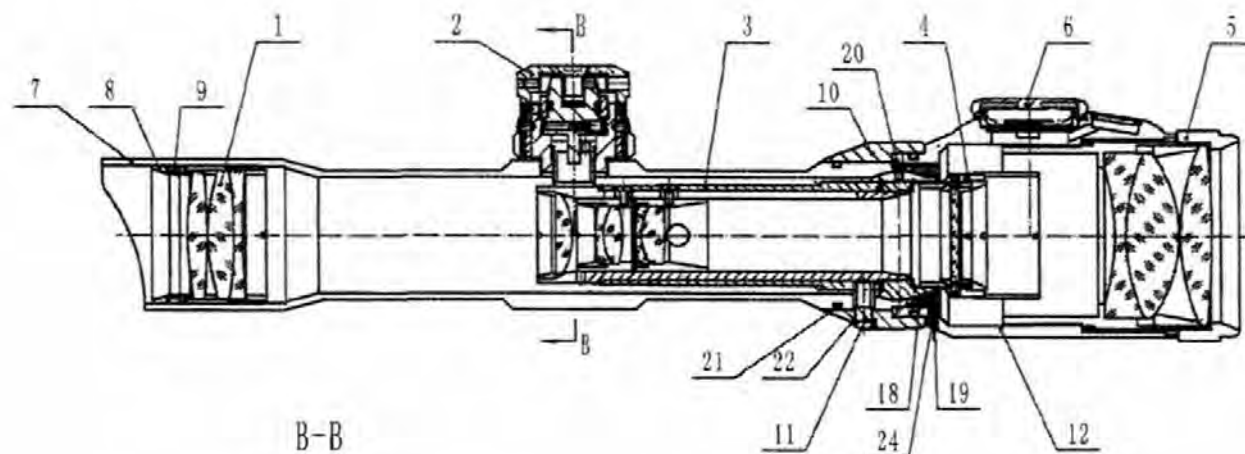
				U1-4.5x28B	0-39		
				目镜调节圈	所属 装配号	03	
					图样标记	重量	比例
					S		1:1
标记	处数	签字	日期	铝管LD 31 cs GB6892-86	共 1 张		第 1 张
设计		郑立生	24/07/12		江苏 U T G		
审批							

App. 64



1. 倒角到R0.2.
2. 黑色阳极氧化 W WJ463-75.

				TJB	03-5				
					上下调节手轮	所 属 装配号	03		
						图 样 标 记	重 量	比 例	
						S			1: 1
标记	处数	签 字	日期			共 1 张		第 1 张	
设 计	郑立生	26/01/11		铝型材 LD 31 cs GB6892-86	江 苏 U T G				
审 批									

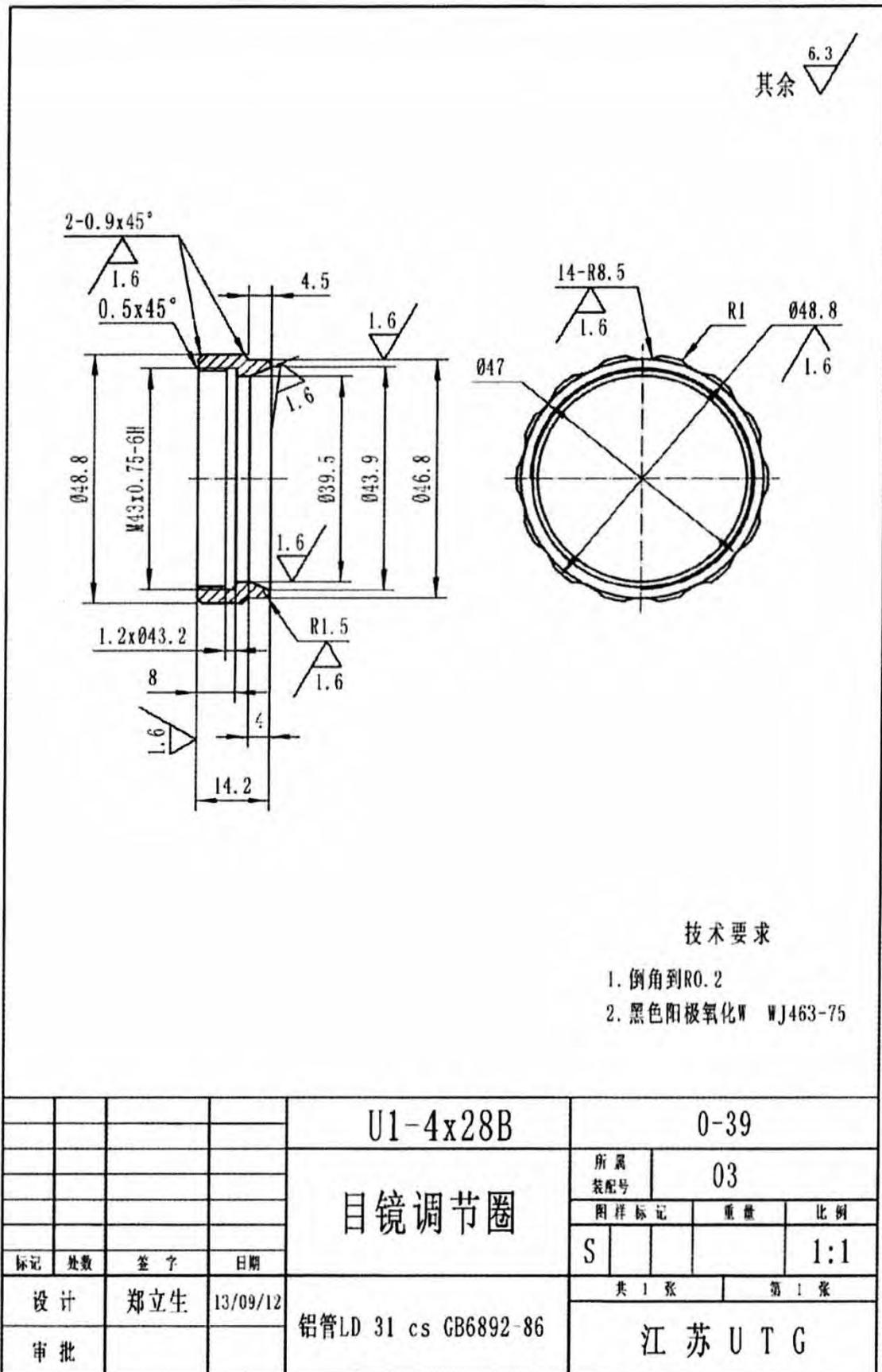


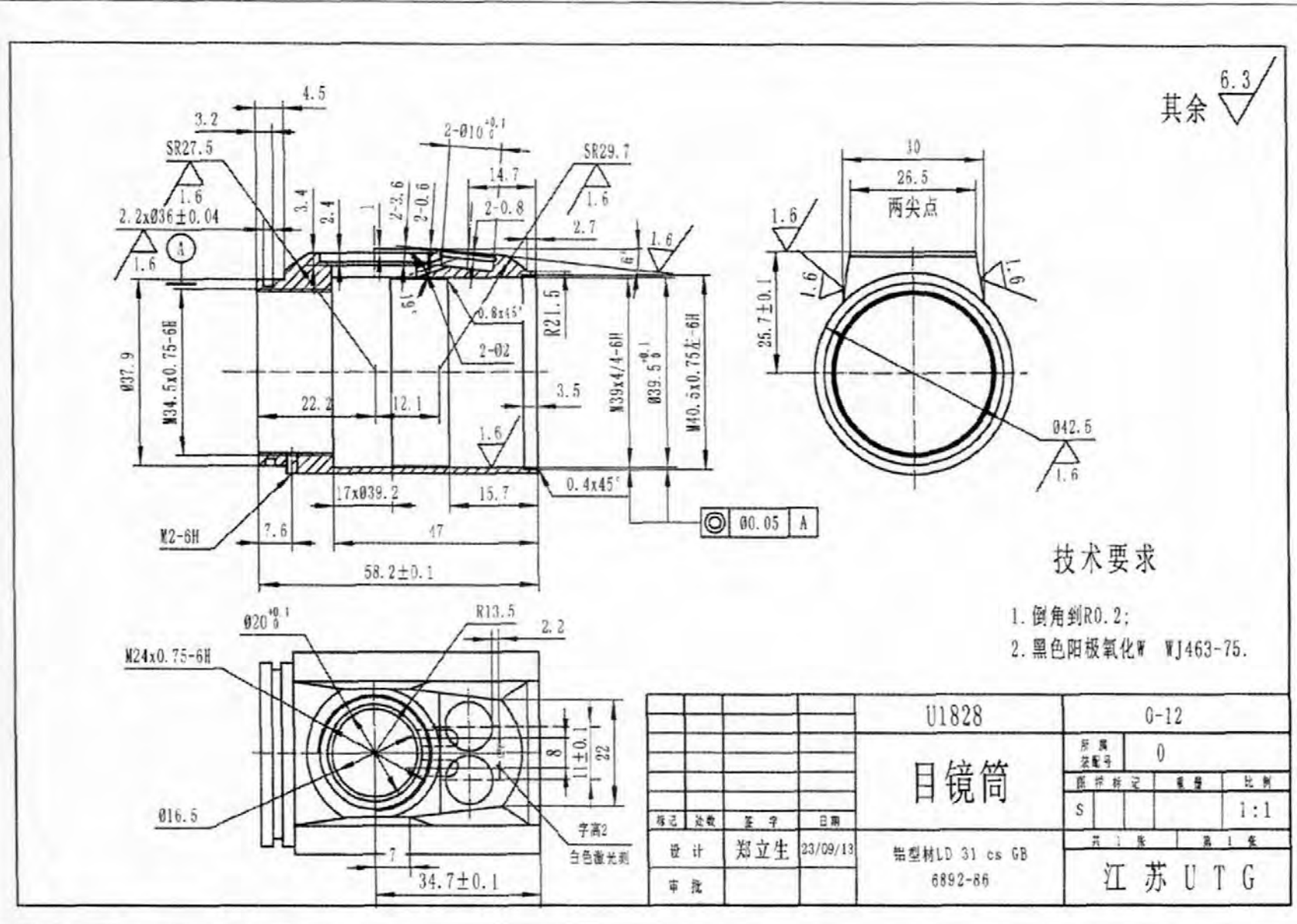
20	0-16/03-10344	定位圈	1	10	0-10/01-4x24	交值手轮	1
19	0-15/03-10344	后弧压圈	1	9	0-2/01-4.5x238	平圈压圈	1
18	0-14/03-10344	后弧圈	1	8	0-2	装饰圈	1
17	0-5/03-10344	充氮密封垫	1	7	0-1	垫圈	1
16	0-5/03-10344	充氮螺钉	1	6	EAC1	发光器	1
15	0-7/01-4x24	压圈垫	1	5	0-03	口板组	1
14	0-5/01-4x24	压圈垫	1	4	0-04	分划板组	1
13	0-4/01-4x24	压圈	1	3	0-05/01-4x24	转像透镜组	1
12	0-12	目镜筒	1	2	TIB011	调焦手轮组	2
11	0-1/02-12x40	轴套螺钉	1	1	0-01	物镜组	1

序号	代号	名称	数量	序号	代号	名称	数量
				U1-4x28B			
				0			
				装配总图			
				S			
				共 1 张 第 1 张			
				江苏 U I G			

24	GB71-85	螺母 M2x4	1
23	外 07X1	O形密封圈	1
22	外 04X1	O形密封圈	1
21	外 030X1.8	O形密封圈	2
序号	代号	名称	数量

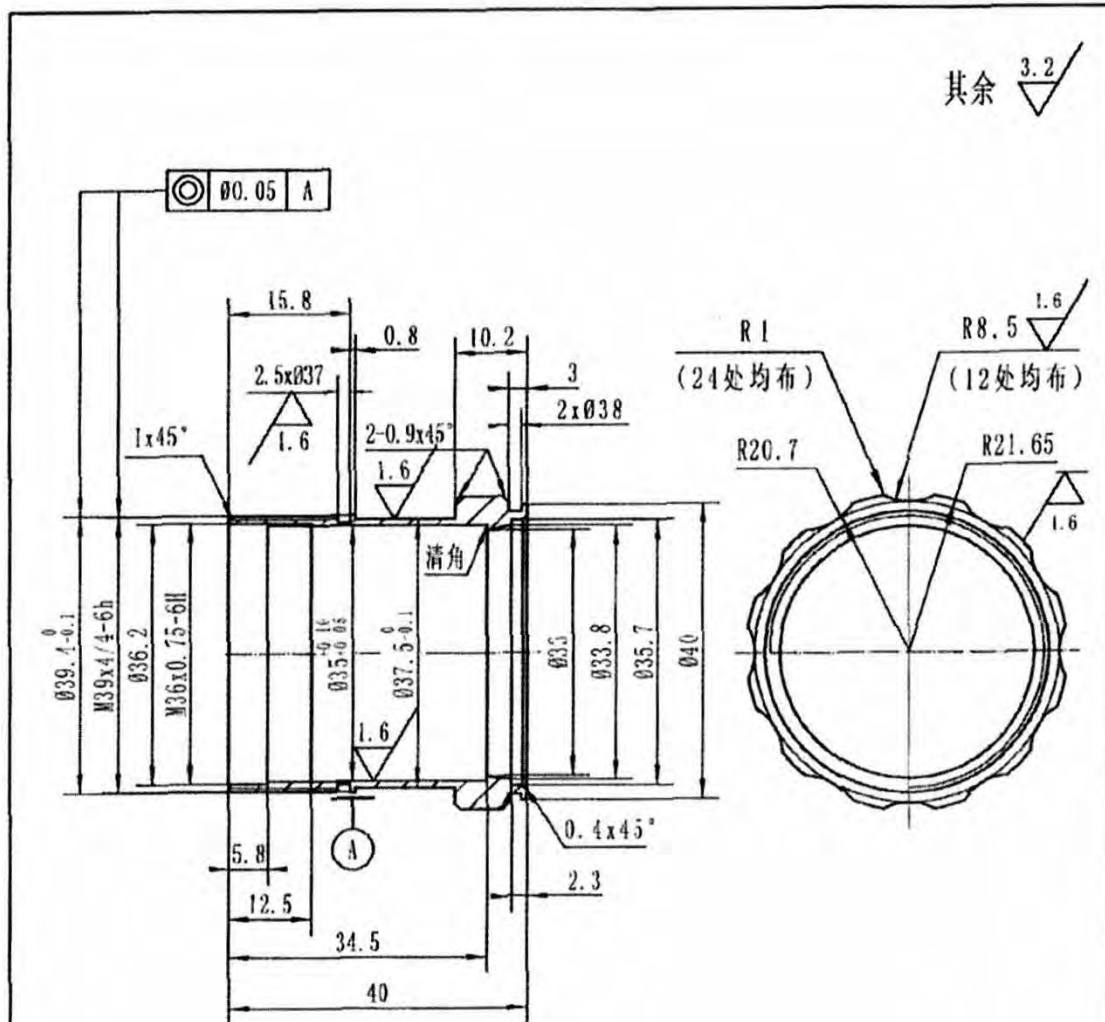
设计	郑立生	19/05/12
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Confidential Information Subject to Protective Order

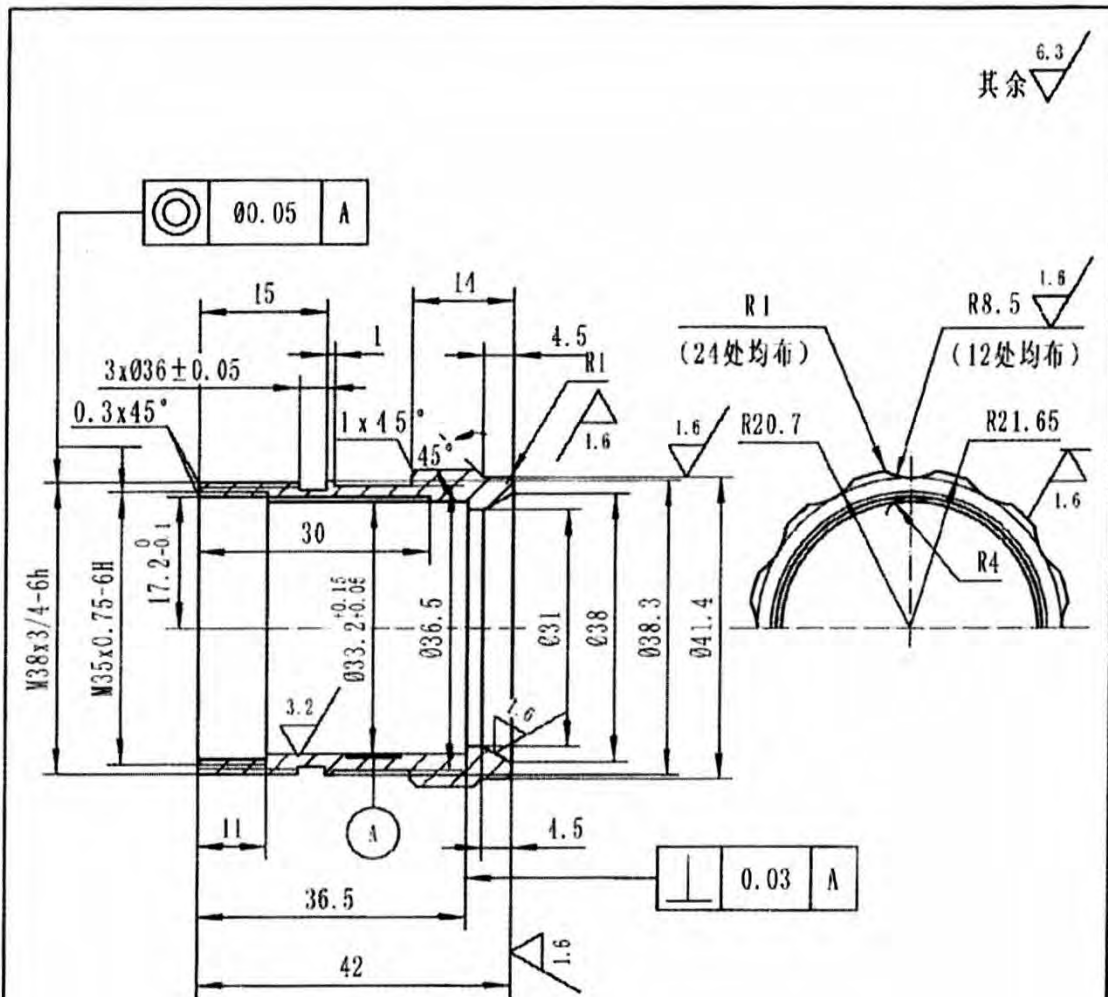
LEAPERS014717



技术要求

1. 倒角到R0.2
2. 黑色阳极氧化 WJ463-75

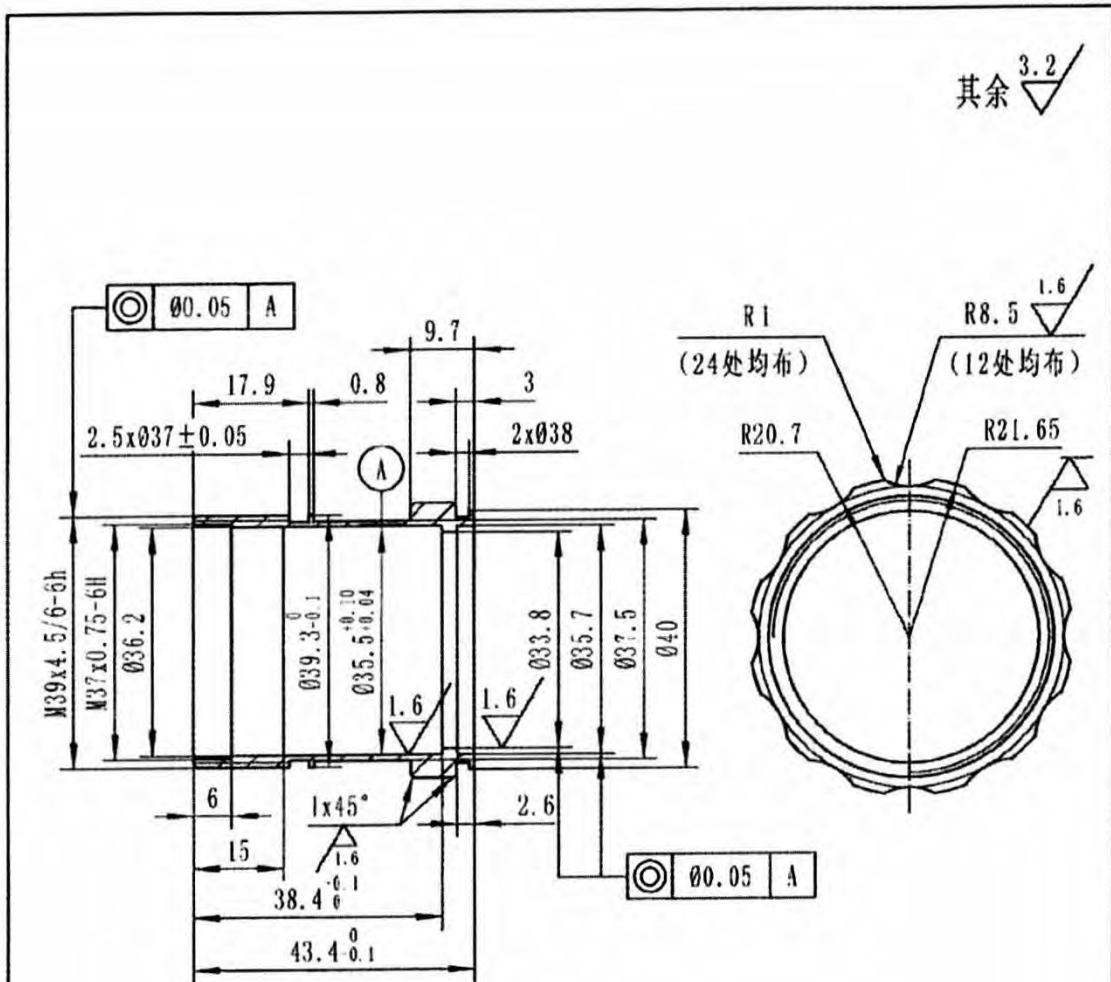
				U1828	0-35			
				目镜框	所 属 装配号		03	
					图 样 标 记		重 量	比 例
					S			1:1
标记	处数	签 字	日期		共 1 张		第 1 张	
设 计		郑立生	12/03/13	铝管LD 31 cs GB6892-86		江 苏 U T G		
审 批								



技术要求

1. 倒角到R0.2;
2. 黑色阳极氧化W WJ463-75;

				U3-10X44A	0-35			
				目镜框	所 属 装 配 号	0-03		
					图 样 标 记	重 量	比 例	
					S			4:1
标记	处数	签 字	日期					
设 计		郑立生	6/08/09	型材	共 1 张		第 1 张	
审 批					江 苏 U T G			
				LD 31 cs GB6892-86				

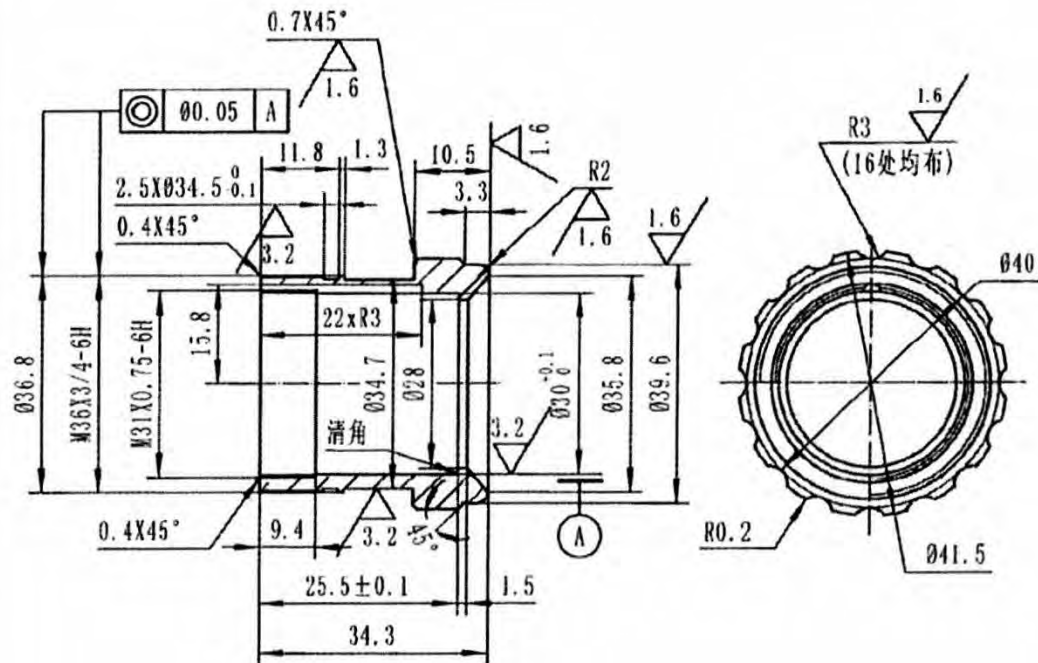


技术要求

1. 倒角到R0.2;
2. 黑色阳极氧化 WJ463-75;

				U8-32x56A	0-35			
				目镜框	所 属 装配号	0-03		
					图 样 标 记	重 量	比 例	
					S			2 : 1
标记	处数	签 字	日期		共 1 张		第 1 张	
设 计	郑立生	21/08/11	铝管	江 苏 U T G				
审 批			LD 31 cs GB6892-86					

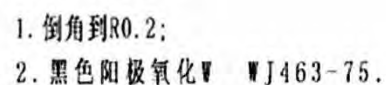
其余 ∇ 6.3

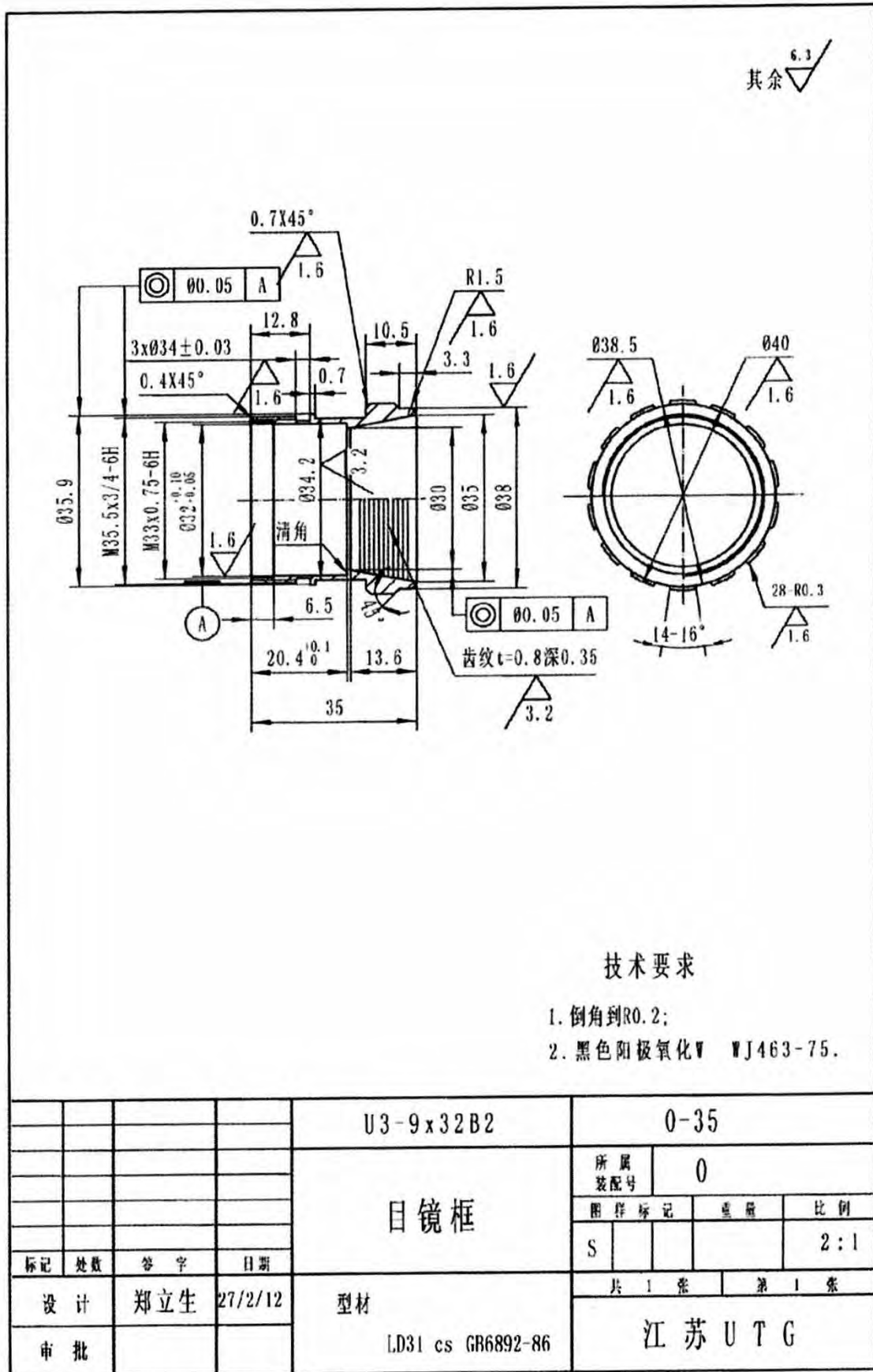


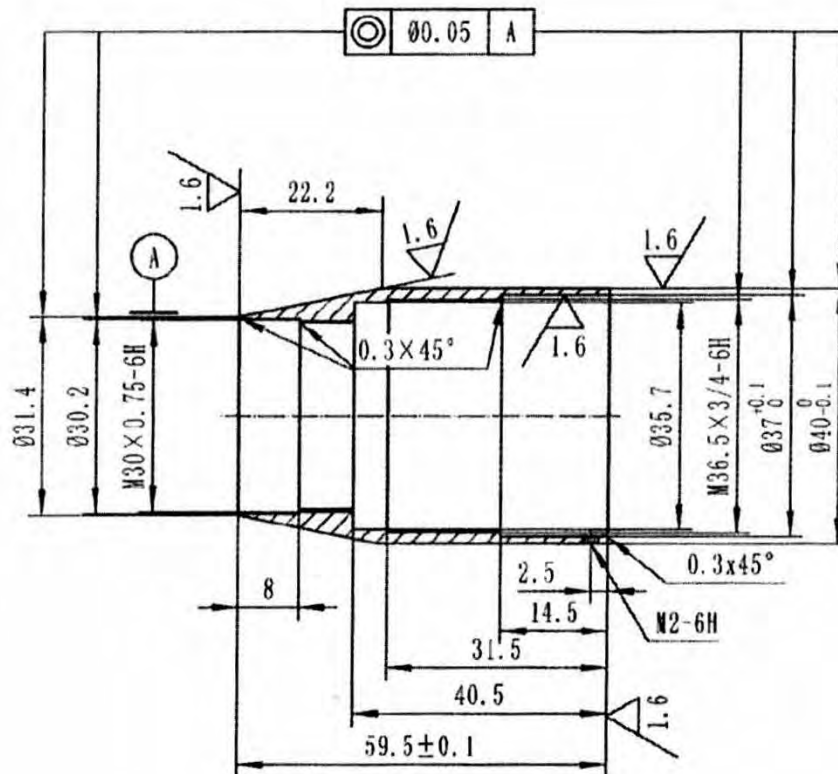
技术要求

1. 倒角到R0.2;
2. 黑色阳极氧化Ⅱ WJ463-75.

				U3-12X44C	0-35		
				目 镜 框	所 属 装 配 号	0	
					图 样 标 记	重 量	比 例
					S		2 : 1
标记	处数	签 字	日期				
设 计		郑立生	15/01/14	型 材	共 1 套		第 1 套
审 批					江 苏 U T G		
				LD31 cs GB6892-86			

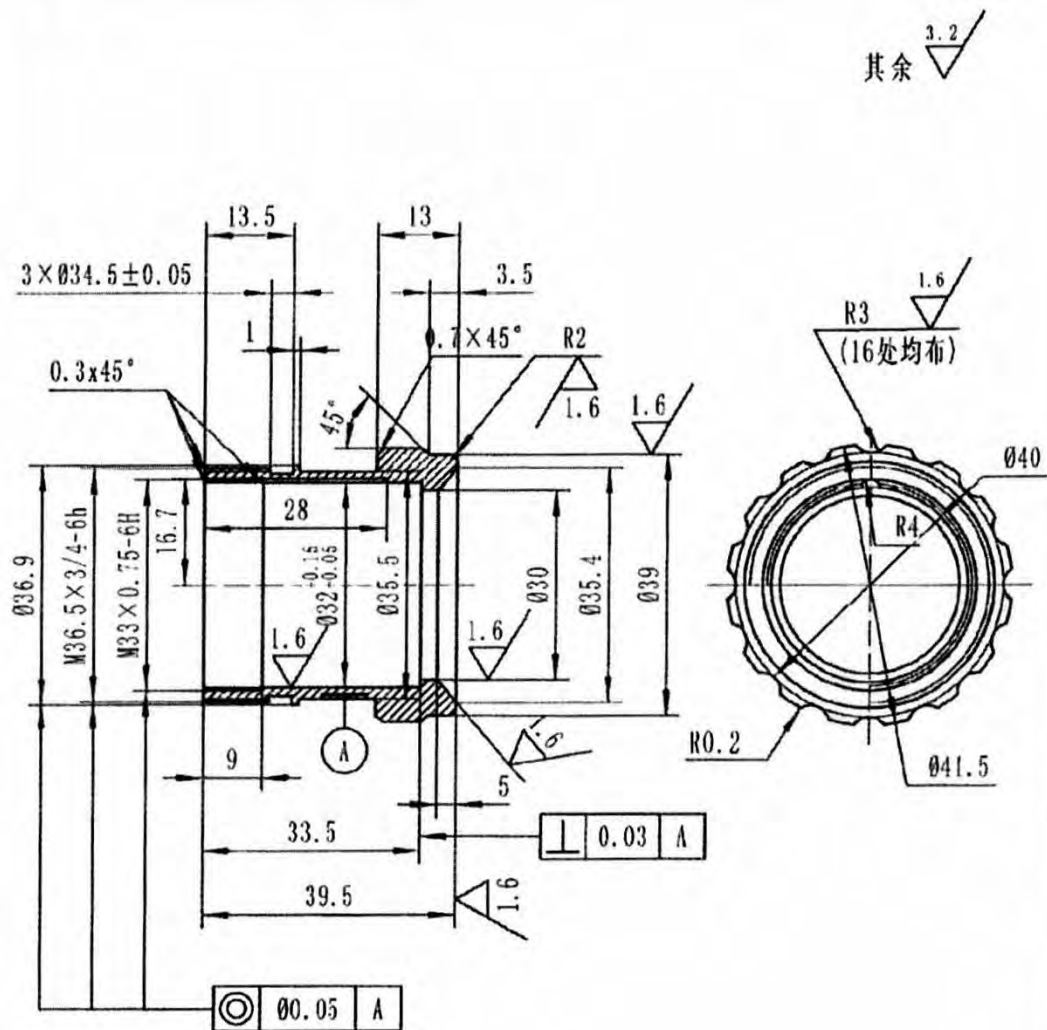






1. 倒角到R0.2
2. 黑色阳极氧化W WJ463-75

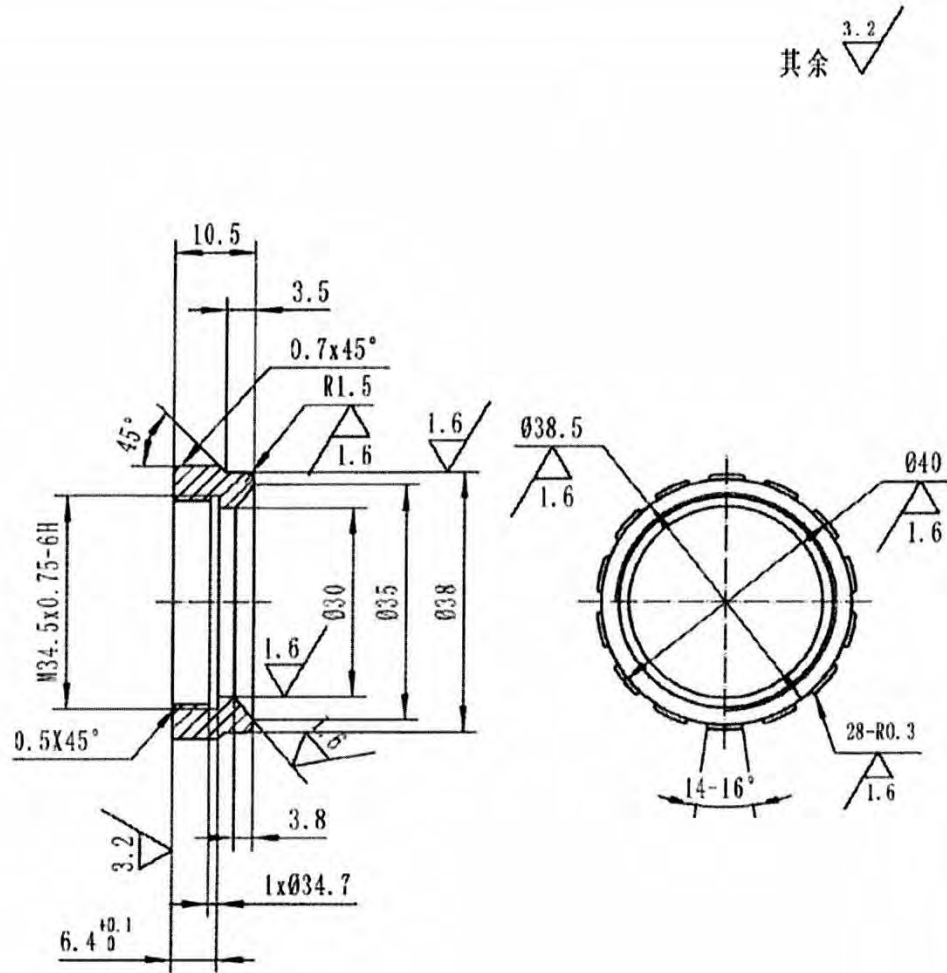
				U4x32A	0-12			
				目镜筒	所属 装配号	0		
					图样标记	重量	比例	
					S			1:1
标记	处数	签 字	日期		共 1 张		第 1 张	
设 计		陆虎成	04/01/10	铝管LD 31 cs GB6892-86		江 苏 U T G		
审 批		郑立生	04/01/10					



技术要求

1. 倒角到R0.2
2. 黑色阳极氧化W WJ463-75

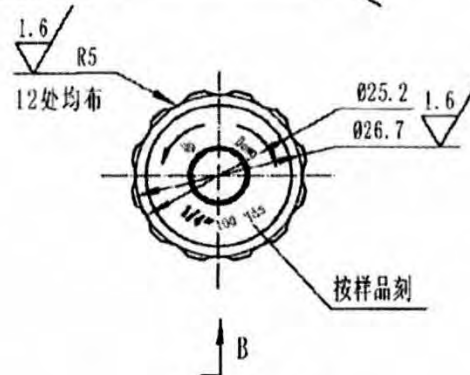
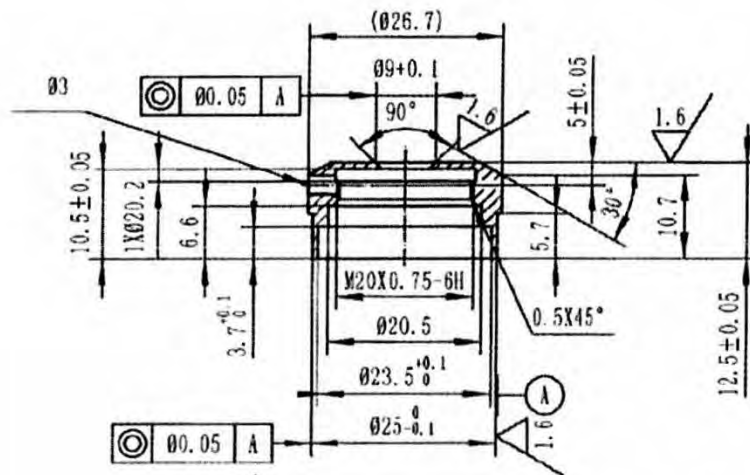
				U4x32A	0-35			
				目镜框	所 属 装配号	03		
					图 样 标 记	重 量	比 例	
					S			1:1
标记	处数	签 字	日期		共 1 张		第 1 张	
设 计		郑立生	16/12/11	型材LD 31 cs GB6892-86		江 苏 U T G		
审 批								



技术要求

1. 倒角到R0.2
2. 黑色阳极氧化W WJ463-75

				U4x32B	0-39		
				目镜调节圈	所属 装配号	03	
					图样标记	重量	比例
					S		1:1
标记	处数	签字	日期	型材LD 31 cs GB6892-86	共 1 张		第 1 张
设计		郑立生	13/07/10		江 苏 U T G		
审批							

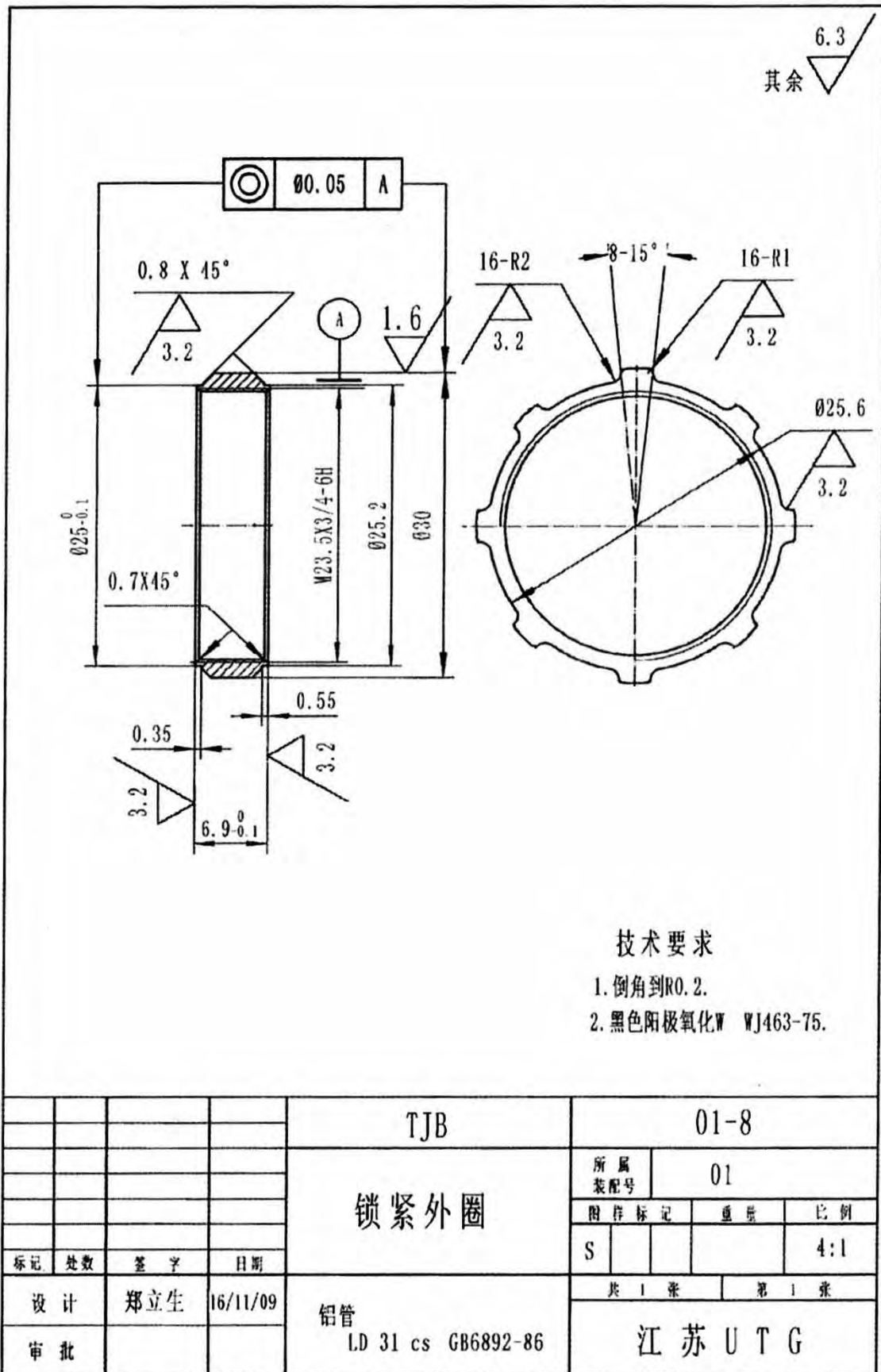


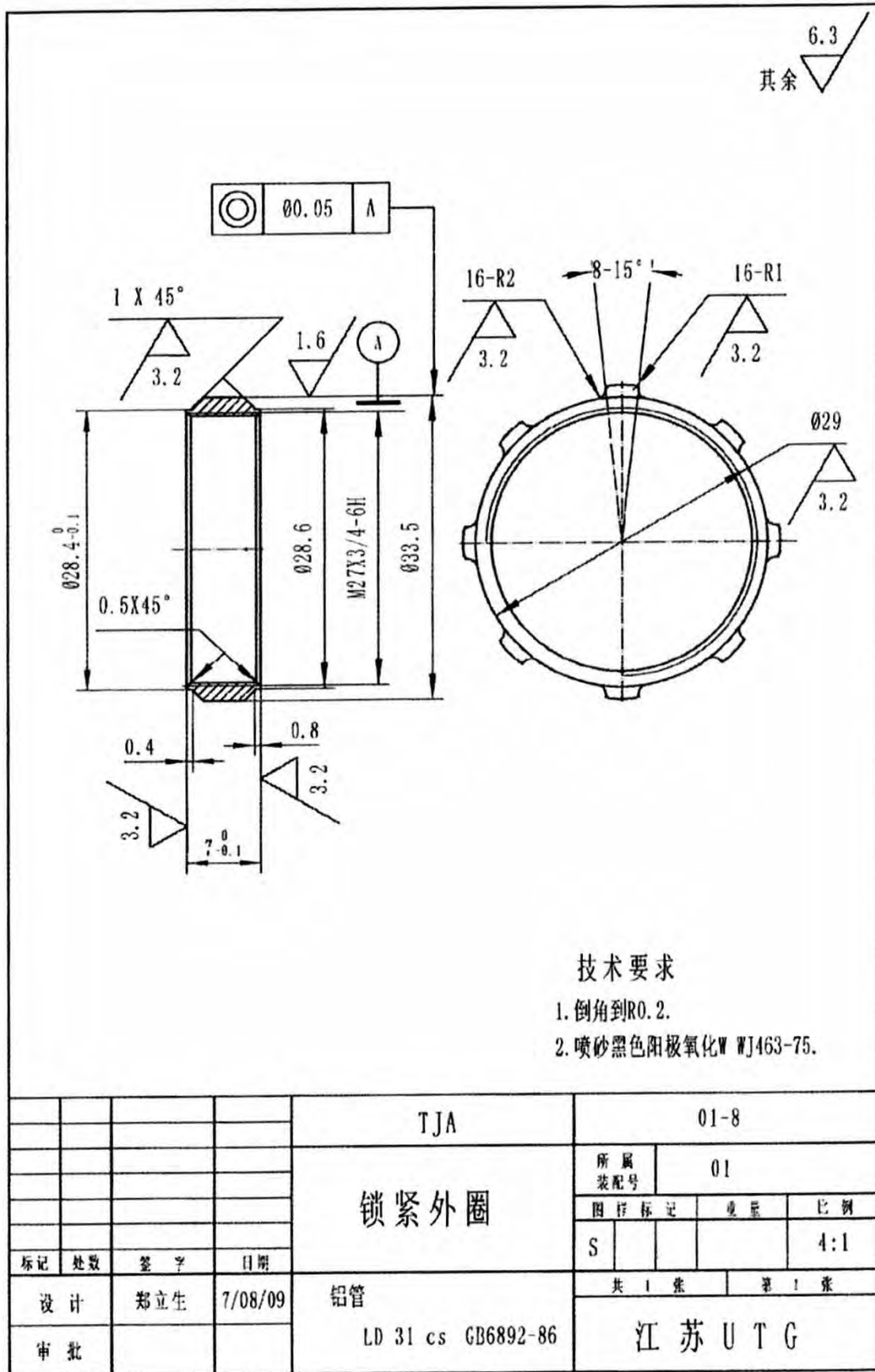
(45条短线, 15条长线)

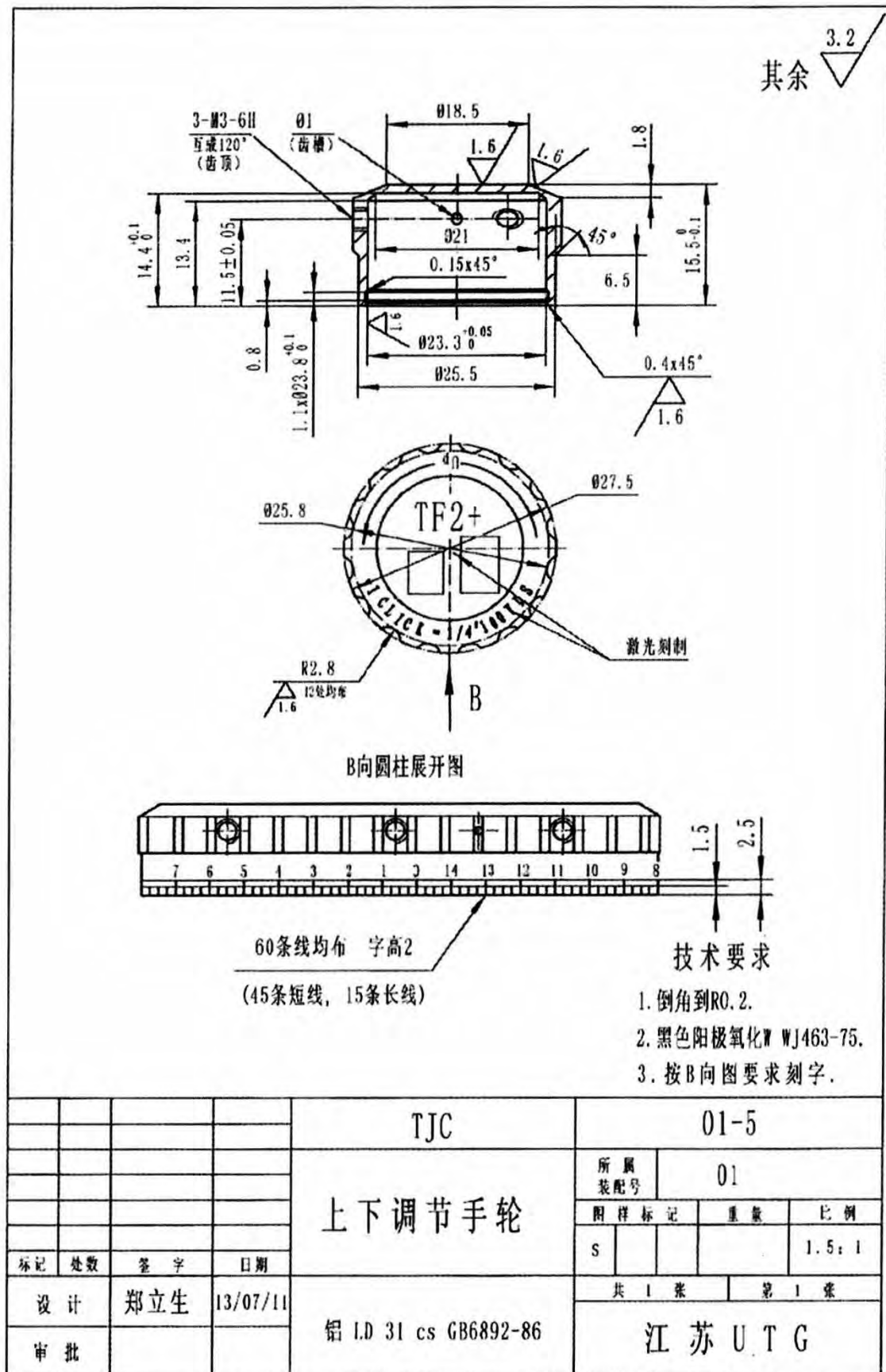
技术要求

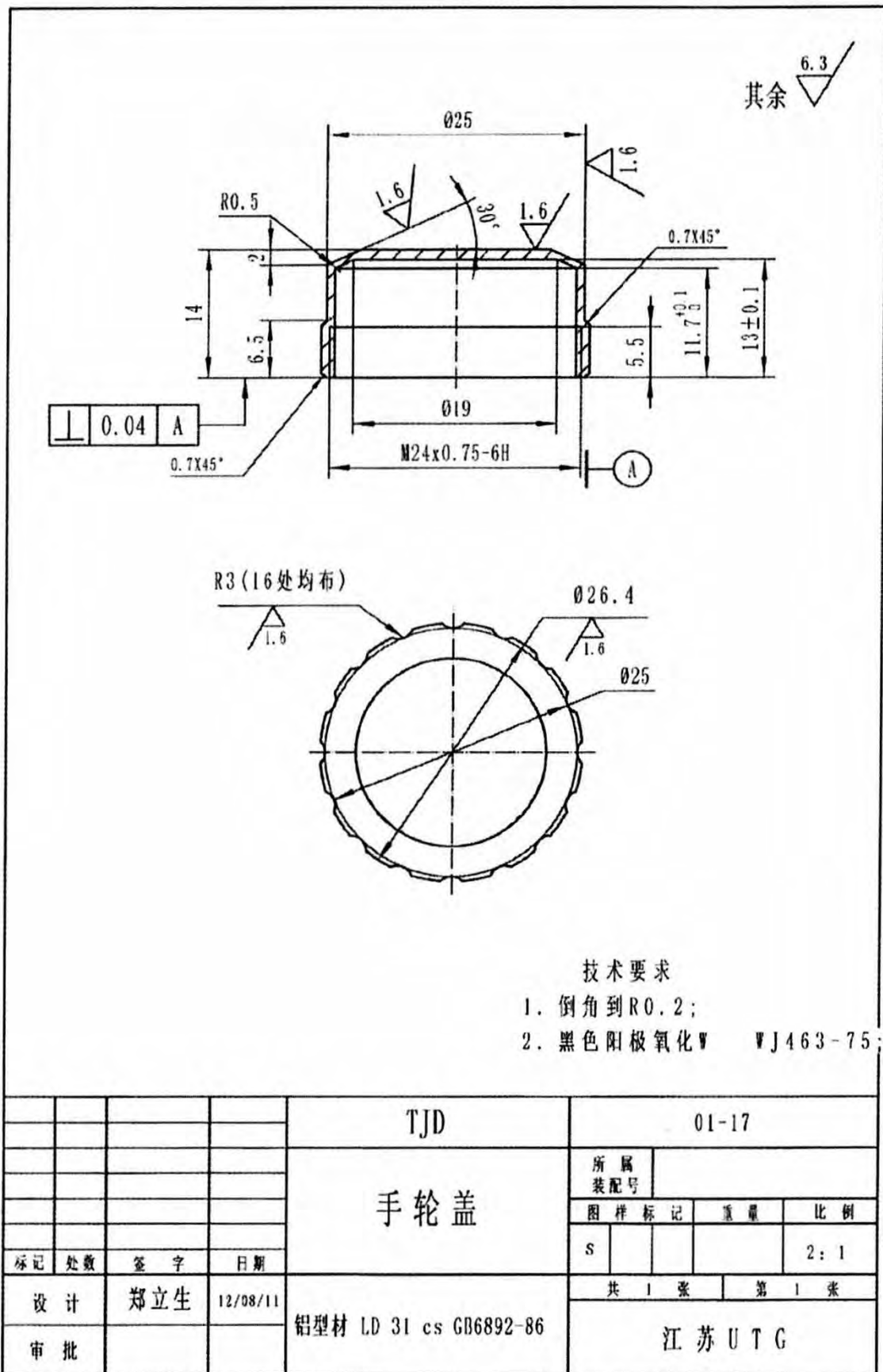
1. 倒角到R0.2.
2. 黑色阳极氧化 W WJ463-75.

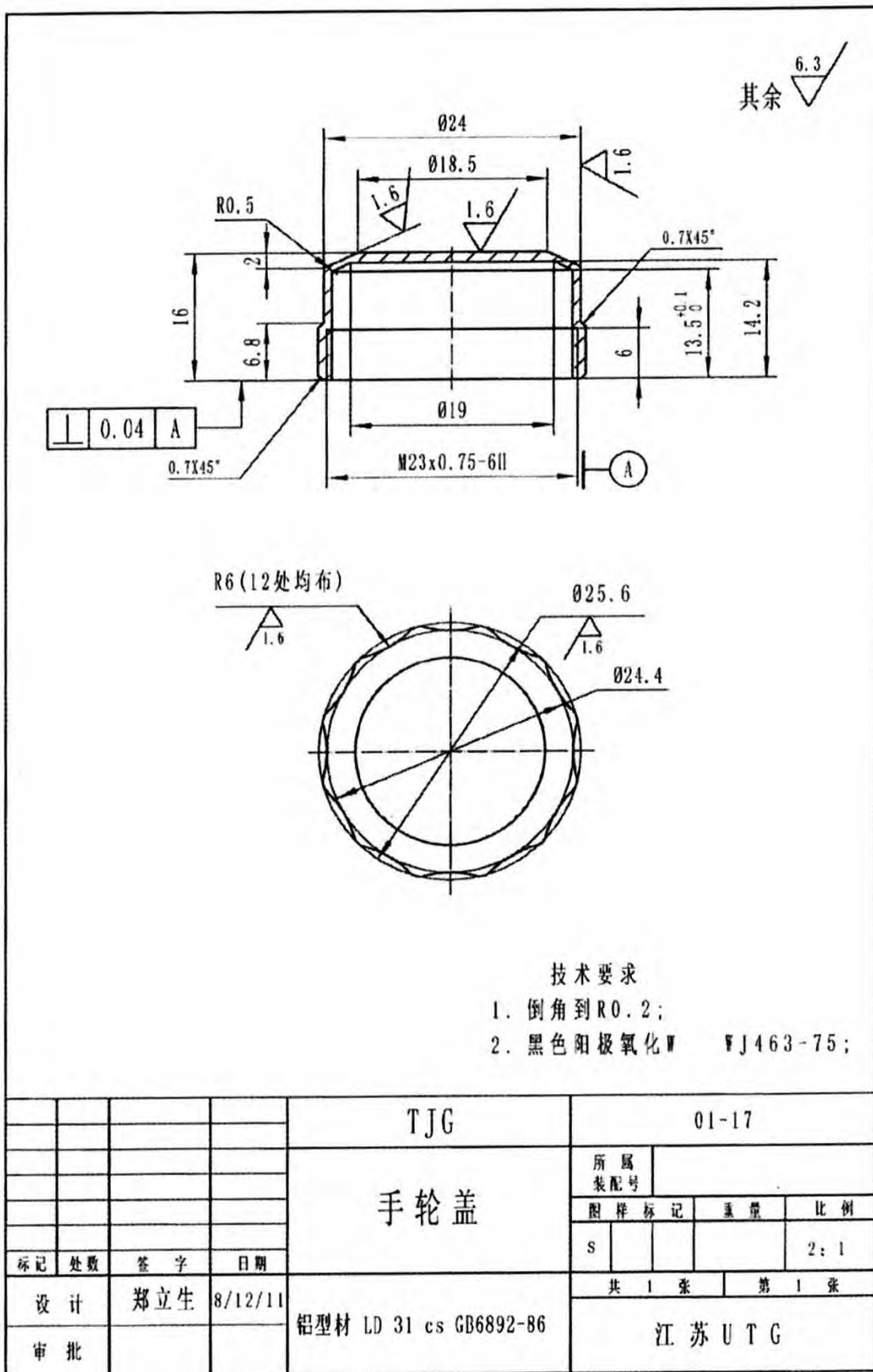
App. 78

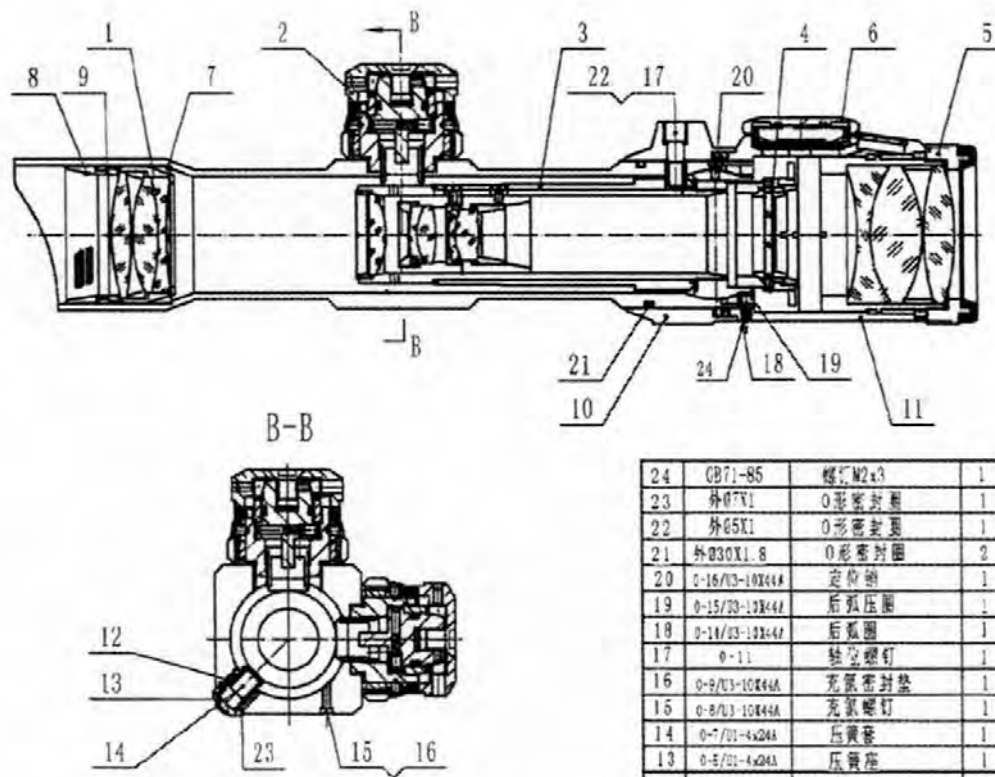






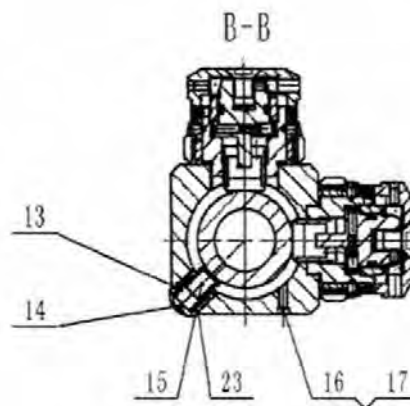
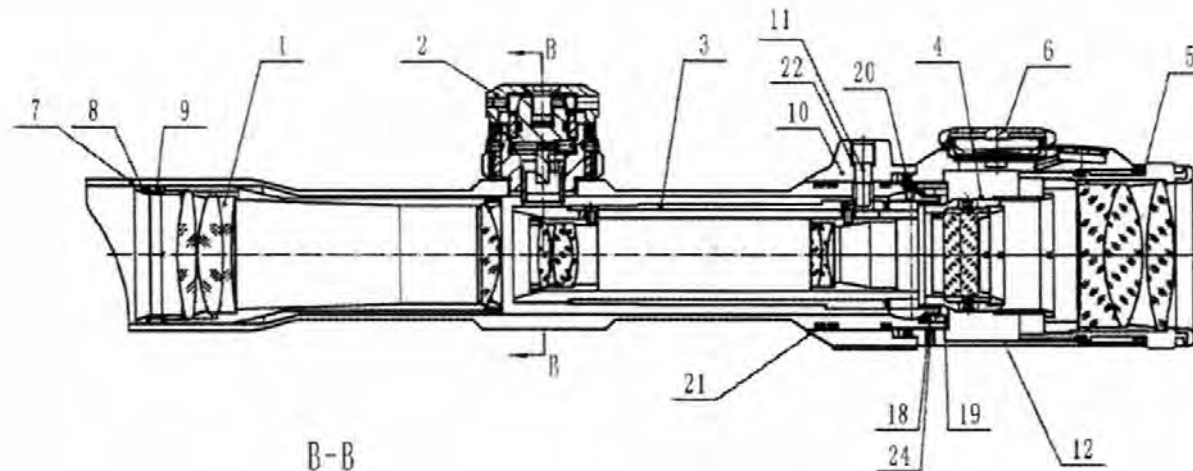






24	GB71-85	螺钉 M2×3	1	12	C-4/01-4x24A	压簧	1
23	外07X1	O形密封圈	1	11	0-12	目镜环	1
22	外05X1	O形密封圈	1	10	0-10	交指手轮	1
21	外030X1.8	O形密封圈	2	9	0-3	前面压圈	1
20	C-16/03-10X4A	定位销	1	8	0-2	装轴圈	1
19	0-15/03-10X4A	后爪压圈	1	7	0-1	螺母	1
18	0-14/03-10X4A	后爪圈	1	6	BAC1	发光组	1
17	0-11	轴套螺钉	1	5	0-03	口镜组	1
16	0-9/03-10X4A	充氦密封垫	1	4	C-94/01-4x24A	分划板组	1
15	0-8/03-10X4A	充氦螺钉	1	3	0-05	转象透镜组	1
14	0-7/01-4x24A	压簧座	1	2	TJB014	调节手轮组	2
13	0-5/01-4x24A	压簧座	1	1	0-01	物镜组	1

序号	代号	名称	数量	序号	代号	名称	数量
				U ₁ -4.5x28B		D	
				装配总图		系属	
						装配	
						材料标记	
						数量	
						比例	
标记	数量	签字	日期	S		1:1	
设计	郑立生	S/01/12		先		后	
审核				江苏UTG			



20	0-16/03-10X44A	定位销	1	10	0-10	变速箱轮	1
19	0-15/03-10X44A	后盖压圈	1	9	0-3/01-4.5x288	平面压圈	1
18	0-14	后盖圈	1	8	0-2/1-4x283	装饰圈	1
17	0-9/03-10X44A	壳盖密封垫	1	7	0-1	壳体	1
16	0-8/03-10X44A	壳盖螺钉	1	6	EA01	发光组	1
15	0-7/01-4x28A	压簧套	1	5	0-03	日轮组	1
14	0-5/01-4x28A	压簧座	1	4	0-04	分划板组	1
13	0-4/01-4x28A	压簧	1	3	0-05	转像透镜组	1
12	0-12	目镜筒	1	2	TIB042	调节手轮组	2
11	0-1/01-4.5x280	轴套螺钉	1	1	0-01	物镜组	1

序号	代 号	名 称		数量	序号	代 号	名 称		数量		
					U1828			0			
					装 配 总 图			系 统			
								图 例 说 明	重 量	比 例	
								S			1:1
	设 计	郑立生	24/09/13		第 1 张						
	审 批				江 苏 U T G						

24	GB71-85	螺钉M2x4	1
23	外07X1	O形密封圈	1
22	外05X1	O形密封圈	1
21	外030X1.8	O形密封圈	5
序号	代号	名称	数量